

ANNALS

OF THE

CALIFORNIA GOLD ERA

BEING THAT PART OF THE AUTHOR'S SERIES ON THE HISTORY OF CALIFORNIA COVERING THE GOLD DISCOVERY PERIOD 1848-1859

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HISTORY OF CALIFORNIA.

CHAPTER I.

CALIFORNIA JUST PRIOR TO THE GOLD DISCOVERY.

JANUARY, 1848.

THE VALLEY OF CALIFORNIA—QUALITY OF POPULATION—THE LATER INCOMERS—HISPANO-AMERICAN, ANGLO-AMERICAN, AND OTHERS—SETTLERS AROUND SAN FRANCISCO BAY—SAN JOSÉ—THE PENINSULA—SAN FRANCISCO—ACROSS THE BAY—ALAMEDA AND CONTRA COSTA VALLEYS—VALLEYS OF THE SAN JOAQUIN AND SACRAMENTO—SUTTER'S FORT—GRANTS AND RANCHOS—ABOUT CARQUINES STRAIT—NAPA, SONOMA, AND SANTA ROSA VALLEYS—SAN RAFAEL, BODEGA, AND THE NORTHERN COAST—NATURAL WEALTH AND ENVIRONMENT.

ALTHOUGH the California seaboard, from San Diego to San Francisco bays, had been explored by Europeans for three hundred years, and had been occupied by missionary and military bands, with a sprinkling of settlers, for three quarters of a century, the great valley of the interior, at the opening of the year 1848, remained practically undisturbed by civilization.

The whole of Alta California comprises a seaboard strip eight hundred miles in length by one or two hundred in width, marked off from the western earth's end of the temperate zone; it was the last to be occupied by civilized man, and, to say the least, as full of fair conditions as any along the belt. The whole area is rimmed on either side, the Coast Range rolling up in stony waves along the outer edge, and for

background the lofty Sierra, upheaved in crumpled folds from primeval ocean. The intervening space is somewhere overspread with hills and vales, but for the most part comprises an oblong plain, the Valley of California, the northern portion being called the Sacramento Valley, and the southern the San Joaquin Valley, from the names of the streams that water the respective parts. The prospect thus presented opens toward the setting sun.

Humanity here is varied. There is already round San Francisco Bay raw material enough of divers types to develop a new race, howsoever inferior the quality might be. It is a kind of refuse lot, blown in partly from the ocean, and in part having percolated through the mountains; yet there is amidst the chaff good seed that time and events might winnow. But time and events are destined here to be employed for higher purpose, in the fashioning of nobler metal.

Of the condition of the aborigines I have spoken elsewhere, and shall presently speak again. So far the withering influence of a strange civilization upon the true proprietors of the soil had emanated from Mexican incomers. Now a stronger phase of it is appearing in another influx, which is to overwhelm both of the existing races, and which, like the original invasion of Mexico, of America, is to consist of a fair-hued people from toward the rising sun. They come not as their predecessors came, slowly, in the shadow of the cross, or aggressively, with sword and firelock. Quietly, with deferential air, they drop in asking hospitality; first as way-worn stragglers from trapping expeditions, or as deserting sailors from vessels prowling along the coast in quest of trade and secrets. Then compact bands of restless frontier settlers slip over the border, followed by the firmer tread of determined pioneers, who wait for strength and opportunity. Not being as yet formally ceded, the land remains under a mingled military-civil government, wherein Hispano-Californians still control local

management in the south, while in the north men from the United States predominate.

These later arrivals are already nearly equal numerically to the former, numbering somewhat over 6,000, while the Hispano-Californians may be placed at 1,000 more. The ex-neophyte natives in and about the ranchos and towns are estimated at from 3,000 to 4,000, with twice as many among the gentile tribes. The new element, classed as foreign before the conquest of 1846, had from 150 in 1830 grown slowly till 1845, after which it took a bound, assisted by over 2,000 who came as soldiers in the regular and volunteer corps, not including the naval muster-rolls. These troops served to check another sudden influx contemplated by the migrating Mormons, whose economic value as colonists cannot be questioned, in view of their honesty and thrift. An advance column of about 200 had come in 1846, followed by the Mormon battalion in the United States service, 350 strong, of which a portion remained. The first steady stream of immigrants is composed of stalwart, restless backwoodsmen from the western frontier of the United States; self-reliant, and of ready resource in building homes, even if less enterprising and broadly utilitarian than those who followed them from the eastern states; the latter full of latent vivacity; of strong intellect, here quickening under electric air and new environment; high-strung, attenuated, grave, shrewd, and practical, and with impressive positiveness.

By the side of the Americanized Anglo-Saxon, elevated by vitalizing freedom of thought and intercourse with nature, we find the English representative, burly of mind and body, full of animal energy, marked by aggressive stubbornness, tinctured with brusqueness and conceit. More sympathetic and self-adaptive than the arrogant and prejudiced Englishman, or the coldly calculating Scot, is the omnipresent, quick-witted Celt, and the easy-going, plodding German, with his love of knowledge and deep solidity of

mind. Intermediate between these races and the native Californian stands the pure-blooded Spaniard, wrapped in the reflection of ancestral preëminence, and using his superior excellence as a means to affirm his foothold among humbler race connections. An approximate affinity of blood and language here paves the way for the imaginative though superficial Frenchman and Italian, no less polite than insincere, yet cheerful and æsthetic. A few Hawaiian Islanders have been brought over, and are tolerated until prouder people press them back and under.

Even now events are giving a decisive predominance to the lately inflowing migration, by reason of the energy displayed in the rapid extension of industrial arts, notably agriculture, with improved methods and machinery, and growing traffic with such standard-bearers of civilization as the public press and a steamboat. So far this influx has confined itself to the central part of the state, round San Francisco Bay and northward, because the gateway for the immigration across the plains opens into this section, which moreover presents equal if not superior agricultural features, and greater commercial prospects. The occupation of the south by a different race serves naturally to point out and affirm the limits.

San José, founded as a pueblo within the first decade of Spanish occupation, and now grown into a respectable town of about 700 inhabitants, is the most prominent of the northern settlements wherein the Hispano-Californian element still predominates. Notwithstanding the incipient greatness of the city at the Gate, San José holds high pretensions as a central inland town, on the border line between the settled south and the growing north, with aspirations to supplant Monterey as the capital. This accounts in a measure for the large inflowing of foreigners, who have lately acquired sufficient influence to elect the alcalde from among themselves, the present incumbent being James W. Weeks. The fertile valley around counts

CENTRAL CALIFORNIA IN 1848.

among its numerous farmers several of them, notably the Scotch sailor, John Gilroy,[1] who in 1814 became the first foreigner permanently to settle in California, and Thomas W. Doak, who arrived two years later, the first American settler. North of San José and the adjoining Santa Clara mission,[2] where Padre Real holds out manfully against claimants, are several settlers clustering round the present Alviso.[3] Westward Rafael Soto has established a landing at San Francisquito Creek, and Whisman has located himself a dozen miles below.[4]

Along the eastern slope of the peninsula leads a well-worn road past scattered ranchos, among which are those of John Cooper on San Mateo Creek, and John Coppinger on Cañada de Raimundo; and near by are Dennis Martin and Charles Brown, the latter having just erected a saw-mill.[5]

San Francisco, at the end of the peninsula, however ill-favored the site in some respects, seems topographically marked for greatness, rising on a series of hills, with a great harbor on one side, a great ocean on the other, and mighty waters ever passing by to the outlet of the wide-spread river system of the country. It is already in many respects the most thriving town in California, the prospective metropolis of the coast, with 200 buildings and 800 inhabitants, governed by Alcalde

[1] The town bearing his name, in the southern part of the valley, is situated on his former rancho. Other early settlers were Mat. Fellom, Harry Bee, John Burton, J. A. Forbes, J. W. Weeks, and Wm Gulnac, who in 1842 joined Weber in erecting a flour-mill.

[2] Brannan & Co. had a tannery at this place.

[3] Including the families of Alviso, Berreyesa, Valencia, John Martin, and Leo Norris, the latter an American, on Cherro rancho.

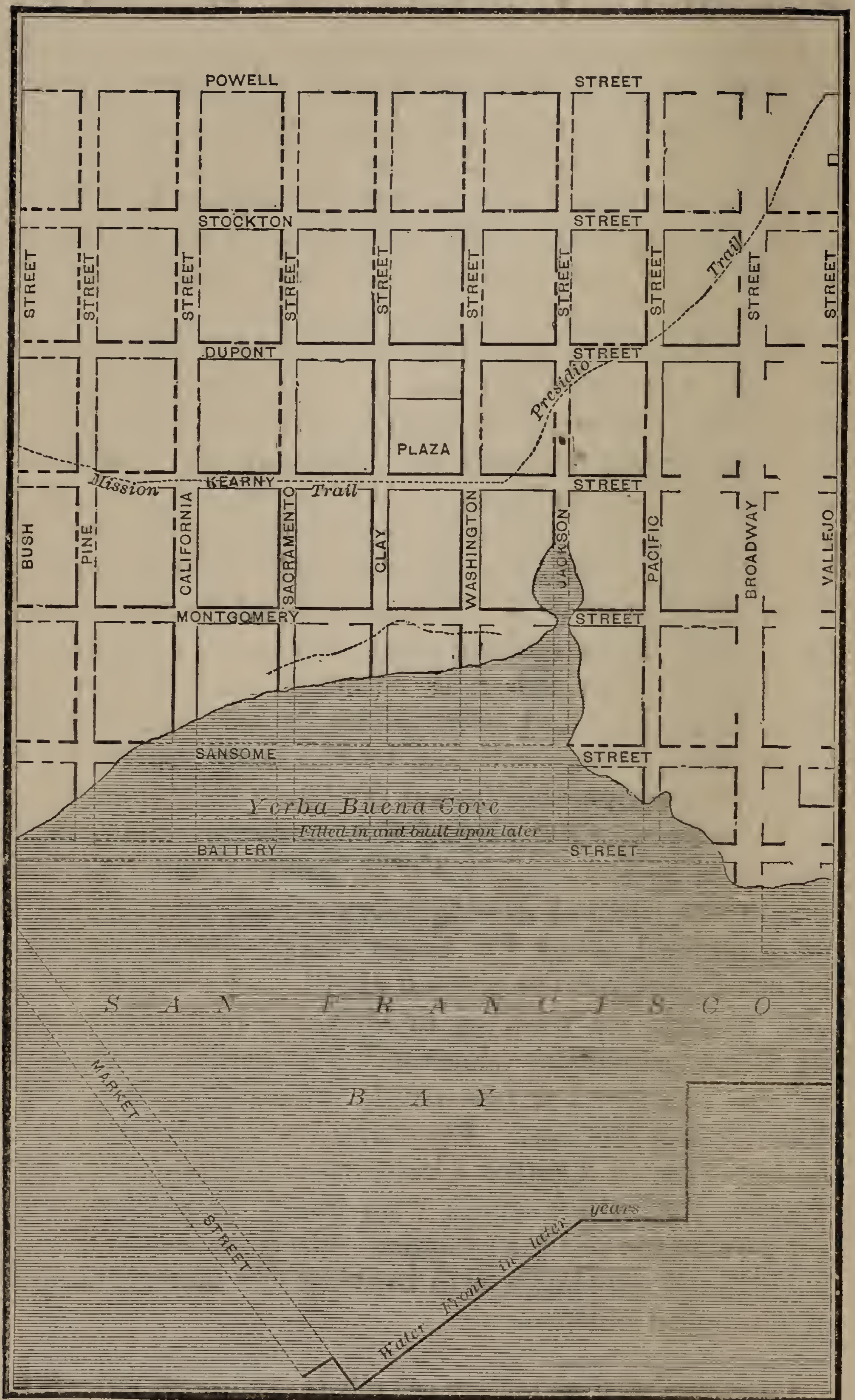
[4] Near the present Mountain View. J. W. Whisman was in 1848 joined by I. Whisman. J. Coppinger lived for a time on Soto's rancho, married to his daughter. S. Robles had bought Santa Rita rancho from J. Peña.

[5] Called Mountain Home. The last two had settled near the present Woodside. G. F. Wyman and James Peace were also in the same vicinity, the latter as lumberer. The leading grants were Las Pulgas of Luis Argüello, 35,000 acres; San Gregorio of A. Buelna, 18,000 acres; Buri Buri of I. Sanchez, 14,600 acres; Cañada de Raimundo of J. Coppinger, 12,500 acres; Cañada del Corte de Madera of M. Martinez, 13,000 acres. Other grants, ranging from 9,000 to 4,000 acres, were San Pedro, Corral de Tierra, Félix, Miramontes, Cañada Verde, San Antonio, Butano, and Punta del Año Nuevo, following southward.

George Hyde and a sapient council. The population is chiefly composed of enterprising Americans, sturdy pioneers, with a due admixture of backwoodsmen and seafarers, numerous artisans, and a sprinkling of traders and professional men—all stanch townsmen, figuring for beach lots at prices ranging as high as $600, and for local offices. There are rival districts struggling for supremacy, and two zealous weekly newspapers.

Less imposing are the immediate surroundings; for the town spreads out in a straggling crescent along the slope of the Clay-street hill, bordered by the converging inclines of Broadway and California streets on the north and south respectively. A thin coating of grass and melancholy shrubs covers the sandy surface between and around, with here and there patches of dwarfed oaks, old and decrepit, bending before the sweeping west wind. The monotony incident to Spanish and Mexican towns, however, with their low and bare adobe houses and sluggish population, is here relieved by the large proportion of compact wooden buildings in northern European style,[6] and the greater activity of the dwellers. The beach, hollowed by the shallow Yerba Buena Cove, on which fronts the present Montgomery street, presents quite an animated scene for these sleepy shores, with its bales of merchandise strewn about, and piled-up boxes and barrels, its bustling or lounging frequenters, and its three projecting wharves;[7] while a short distance off lie scattered a few craft, including one or two ocean-going vessels. Farther away, fringed by the fading hills of Contra Costa, rises the isle of Yerba Buena, for which some wild goats shortly provide the new name of Goat Island. On its eastern side is a half-ruined ranchería, still braving the encroachments of time and culture.

[6] There were 160 frame buildings and only 35 adobe houses, although the latter were more conspicuous by their length and brightness.
[7] At California, Clay, and Broadway streets.



San Francisco in 1848.

In the rear of the town, which extends only between California and Vallejo streets to Powell on the west, from the direction of the Lone Mountain and beyond, comes a spur of the Coast Range, tipped by the Papas Peaks. To either side diverges a trail, one toward the inlet of the bay, where is the presidio enclosure, with its low adobe buildings, and to which the new American occupants have added frame houses, and earthworks with ordnance superior to the blatant muzzles of yore. Two miles to the south, beyond the sand hills, lies Mission Dolores, its dilapidated walls marked by darkened tile roofs, scantily relieved by clumps of trees and shrubs. The cheerless stone fences now enclose winter's verdure, and beyond the eddying creek, which flows through the adjoining fields, the sandy waste expands into inviting pasture, partly covered by the Rincon farm and government reserve.[8]

The opposite shores of the bay present a most beautiful park-like expanse, the native lawn, brilliant with flowers, and dotted by eastward-bending oaks, watered by the creeks of Alameda, San Lorenzo, San Leandro, and their tributaries, and enclosed by the spurs of the Diablo mountains. It had early attracted settlers, whose grants now cover the entire ground. The first to occupy there was the Mission San José, famed for its orchards and vineyards,[9] and now counting among its tenants and settlers James F. Reed, Perry Morrison, Earl Marshall, and John M. Horner.[10] Below are the ranchos of Agua Caliente and Los Tularcitos; and above, Potrero de los Cerritos;[11] while behind, among encircling hills, is the valley of San José, the pathway to the Sacramento, and through which runs

[8] Padre P. Santillan, who afterward became conspicuous as a claimant to the mission ground, was in charge at Dolores. The Rancho Punta de Lobos of B. Diaz extended to the north-west.

[9] In charge of Padre Real. The claim of Alvarado and Pico to the soil was later rejected.

[10] The latter a Mormon, living with his wife at the present Washington Corners, and subsequently prominent.

[11] The former two square leagues in extent, and transferred by A. Suñol to F. Higuera; the latter three leagues, and held by A. Alviso and T. Pacheco.

the upper Alameda. Here lives the venturesome English sailor, Robert Livermore, by whose name the nook is becoming known, and whose rapidly increasing possessions embrace stock-ranges, wheat-fields, vineyards, and orchards, with even a rude grist-mill.[12] Adjoining him are the ranchos Valle de San José of J. and A. Bernal, and Suñol and San Ramon of J. M. Amador, also known by his name. Northward, along the bay, lies the Rancho Arroyo de la Alameda of José Jesus Vallejo; the San Lorenzo of G. Castro and F. Soto; the San Leandro of J. J. Estudillo; the Sobrante of J. I. Castro; and in the hills and along the shore, covering the present Oakland and Alameda, the San Antonio of Luis M. Peralta and his sons.[13]

Similar to the Alameda Valley, and formed by the rear of the same range, enclosing the towering Monte del Diablo, lies the vale of Contra Costa, watered by several creeks, among them the San Pablo and San Ramon, or Walnut, and extending into the marshes of the San Joaquin. Here also the most desirable tracts are covered by grants, notably the San Pablo tract of F. Castro; El Pinole of Ignacio Martinez, with vineyards and orchards; the Acalanes of C. Valencia, on which are now settled Elam Brown, justice of the peace, and Nat. Jones;[14] the Palos Colorados of J. Moraga; the Monte del Diablo of S. Pacheco; the Médanos belonging to the Mesa family; and the Méganos of Dr John Marsh, the said doctor being a graduate of Harvard College who

[12] His neighbor on Rancho Los Pozitos, of two square leagues, was José Noriega; and west and south in the valley extended Rancho Valle de San José, 48,000 acres, Santa Rita, 9,000 acres, belonging to J. D. Pacheco, the San Ramon rancho of Amador, four square leagues, and Cañada de los Vaqueros of Livermore. Both Colton, *Three Years*, 266, and Taylor, *El Dorado*, i. 73, refer to the spot as Livermore Pass, leading from San José town to the valley of the Sacramento.

[13] D. Peralta received the Berkeley part, V. the Oakland, M. the East Oakland and Alameda, and I. the south-east. The grant covered five leagues. The extent of the Alameda, San Lorenzo, and San Leandro grants was in square leagues respectively about four, seven, and one; Sobrante was eleven leagues.

[14] By purchase in 1847, the latter owning one tenth of the three-quarter league.

settled here in 1837[15] building a substantial stone house, where he lived in the retirement he so loved. He was a highly individualized and intellectual man whose letters to Secretary Marcy and other officials contain valuable information about California.

The upper part of the San Joaquin Valley had so far been shunned by fixed settlers, owing to Indian hostility toward the Spanish race. With others the aborigines agreed better; and gaining their favor through the mediation of the influential Sutter, the German Charles M. Weber had located himself on French Camp rancho, which he sought to develop by introducing colonists. In this he had so far met with little success; but his farm prospering, and his employés increasing, he laid out the town of Tuleburg, soon to rise into prominence under the new name of Stockton.[16] He foresaw the importance of the place as a station on the road to the Sacramento, and as the gateway to the San Joaquin, on which a settlement had been formed in 1846, as far up as the Stanislaus, by a party of Mormons. On the north bank of this tributary, a mile and a half from the San Joaquin, the migratory saints founded New Hope, or Stanislaus, which in April 1847 boasted ten or twelve colonists and several houses. Shortly afterward a summons

[15] He bought it from J. Noriega, and called it the Pulpunes; extent, three leagues by four. The San Pablo and Pinole covered four leagues each, the Palos Colorados three leagues, the Monte del Diablo, on which Pacheco had some 5,000 head of cattle, four leagues. The aggressive Indians had disturbed several settlers, killing F. Briones, driving away Wm Welch, who settled in 1832, and the Romero brothers. Brown settled in 1847, and began to ship lumber to San Francisco. There were also the grants of Las Juntas of Wm Welch, three square leagues; Arroyo de las Nueces of J. S. Pacheco and Cañada del Hambre of T. Soto, the two latter two square leagues each.

[16] Among the residents were B. K. Thompson, Eli Randall, Jos. Buzzell, Andrew Baker, James Sirey, H. F. Fanning, George Frazer, W. H. Fairchild, James McKee, Pyle, and many Mexicans and servants of Weber. See further in Tinkham's *Hist. Stockton; San Joaquin Co. Hist.; Cal. Star*, May 13, 1848, etc. Taylor reports two log cabins on the site in 1847, those of Buzzell and Sirey. Nic. Gann's wife, while halting in Oct. 1847, gave birth to a son, William. The name French Camp came from the trappers who frequently camped here. T. Lindsay, while in charge in 1845, was killed by Indian raiders. The war of 1847 had caused an exodus of proposed settlers.

from Salt Lake came to assist the floods in breaking up the colony.[17]

North of Stockton Dr J. C. Isbel settled on the Calaveras, and Turner Elder on the Mokelumne, together with Smith and Edward Robinson.[18] The latter, on Dry Creek tributary, has for a neighbor Thomas Rhoads, three of whose daughters married T. Elder, William Daylor an English sailor, and Jared Sheldon. The last two occupy their grants on the north bank of the Cosumnes, well stocked, and supporting a grist-mill. Along the south bank extend the grants of Hartnell and San 'Jon' de los Moquelumnes, occupied by Martin Murphy, Jr, and Anastasio Chabolla. South of them lies the Rancho Arroyo Seco of T. Yorba, on Dry Creek, where William Hicks holds a stock-range.[19]

The radiating point for all these settlements of the Great Valley, south and north, is Sutter's Fort, founded as its first settlement, in 1839, by the enterprising Swiss, John A. Sutter. It stands on a small hill, skirted by a creek which runs into the American River near its junction with the Sacramento, and overlooking a vast extent of ditch-enclosed fields and park stock-ranges, broken by groves and belts of timber. At this time and for three months to come there is no sign of town or habitation around what is now Sacramento, except this fortress, and one old adobe, called the hospital, east of the fort. A garden

[17] Stout, the leader, had given dissatisfaction. Buckland, the last to leave, moved to Stockton. The place is also called Stanislaus City. Bigler, *Diary*, MS., 48-9, speaks of a Mormon settlement on the Merced, meaning the above.

[18] The former on Dry Creek, near the present Liberty, which he transferred to Robinson, married to his aunt, and removed to the Mokelumne, where twins were born in November 1847; he then proceeded to Daylor's. Thomas Pyle settled near Lockeford, but transferred his place to Smith.

[19] The Chabolla, Hartnell, Sheldon-Daylor, and Yorba grants were 8, 6, 5, and 11 leagues in extent, respectively. The claims of E. Rufus and E. Pratt, north of the Cosumnes, failed to be confirmed. *Cal. Star*, Oct. 23, 1847, alludes to the flouring mill on Sheldon's rancho. See *Sutter's Pers. Rem.*, MS., 162, in which Taylor and Chamberlain are said to live on the Cosumnes. In the San Joaquin district were three eleven-league and one eight-league grants claimed by José Castro, John Rowland, B. S. Lippincott, and A. B. Thompson, all rejected except the last.

of eight or ten acres was attached to the fort, laid out with taste and skill, where flourished all kinds of vegetables, grapes, apples, peaches, pears, olives, figs, and almonds. Horses, cattle, and sheep cover the surrounding plains; boats lie at the embarcadero.

The fort is a parallelogram of adobe walls, 500 feet long by 150 in breadth, with loop-holes and bastions at the angles, mounted with a dozen cannon that sweep the curtains. Within is a collection of granaries and warehouses, shops and stores, dwellings and outhouses, extending near and along the walls round the central building occupied by the Swiss potentate, who holds sway as patriarch and priest, judge and father. The interior of the houses is rough, with rafters and unpanelled walls, with benches and deal tables, the exception being the audience-room and private apartments of the owner, who has obtained from the Russians a clumsy set of California laurel furniture.[20] In front of the main building, on the small square, is a brass gun, guarded by the sentinel, whose measured tramp, lost in the hum of day, marks the stillness of the night, and stops alone beneath the belfry-post to chime the passing hour.

Throughout the day the enclosure presents an animated scene of work and trafficking, by bustling laborers, diligent mechanics, and eager traders, all to the chorus clang of the smithy and reverberating strokes of the carpenters. Horsemen dash to and fro at the bidding of duty and pleasure, and an occasional wagon creaks along upon the gravelly road-bed, sure to pause for recuperating purposes before the trading store,[21] where confused voices mingle with laughter and the sometimes discordant strains of drunken

[20] The first made in the country, he says, and strikingly superior to the crude furniture of the Californians, with rawhide and bullock-head chairs and bed-stretchers. *Sutter's Pers. Rem.*, MS., 164, et seq. Bryant describes the dining-room as having merely benches and deal table, yet displaying silver spoons and China bowls, the latter serving for dishes as well as cups. *What I Saw*, 269–70.

[21] One kept by Smith and Brannan. Prices at this time were $1 a foot for horse-shoeing, $1 a bushel for wheat, peas $1.50, unbolted flour $8 a 100 lbs.

singers. Such is the capital of the vast interior valley, pregnant with approaching importance. In December 1847 Sutter reported a white population of 289 in the district, with 16 half-breeds, Hawaiians, and negroes, 479 tame Indians, and a large number of gentiles, estimated with not very great precision at 21,873 for the valley, including the region above the Buttes.[22] There are 60 houses in or near the fort, and six mills and one tannery in the district; 14,000 fanegas of wheat were raised during the season, and 40,000 expected during the following year, besides other crops. Sutter owns 12,000 cattle, 2,000 horses and mules, from 10,000 to 15,000 sheep, and 1,000 hogs.[23] John Sinclair figures as alcalde, and George McKinstry as sheriff.

The greater portion of the people round the fort depend upon Sutter as permanent or temporary employés, the latter embracing immigrants preparing to settle, and Mormons intent on presently proceeding to Great Salt Lake. As a class they present a hardy, backwoods type of rough exterior, relieved here and there by bits of Hispano-Californian attire, in bright sashes, wide sombreros, and jingling spurs. The natives appear probably to better advantage here than elsewhere in California, in the body of half a hundred well-clothed soldiers trained by Sutter, and among his staff of steady servants and helpers, who have acquired both skill and neatness. A horde of subdued savages, engaged as herders, tillers, and laborers, are conspicuous by their half-naked, swarthy bodies; and others may be seen moving about, bent on gossip or trade, stalking along, shrouded in the all-shielding blanket, which the winter chill has obliged them to put on. Head and neck, however, bear evidence to their love of finery, in gaudy kerchiefs, strings of beads, and other ornaments.

[22] *McKinstry Pap.*, MS., 28.

[23] There were 30 ploughs in operation. *Sutter's Pers. Rem.*, MS., 43. The version reproduced in *Sac. Co. Hist.*, 31, differs somewhat.

The fort is evidently reserved for a manor-seat, despite its bustle; for early in 1846 Sutter had laid out the town of Sutterville, three miles below on the Sacramento. This has now several houses,[24] having received a great impulse from the location there, in 1847, of two companies of troops under Major Kingsbury. It shares in the traffic regularly maintained with San Francisco by means of a twenty-ton sloop, the *Amelia*, belonging to Sutter and manned by half a dozen savages. It is supported during the busy season by two other vessels, which make trips far up the Sacramento and San Joaquin. The ferry at the fort landing is merely a canoe handled by an Indian, but a large boat is a-building.[25]

Six miles up the American River, so called by Sutter as the pathway for American immigration, the Mormons are constructing a flour-mill for him,[26] and another party are in like manner engaged on a saw-mill building and race at Coloma Valley, forty miles above, on the south fork. Opposite Sutter's Fort, on the north bank of the American, John Sinclair, the alcalde, holds the large El Paso rancho,[27] and above him stretches the San Juan rancho of Joel P. Dedmond, facing the Leidesdorff grant on the southern bank.[28] There is more land than men; instead of 100 acres, the neighbors do not regard 100,000 acres as out of the way. Sutter's confirmed grant of eleven leagues in due time is scattered in different directions, owing to documentary and other irregularities. A portion is made to cover Hock Farm on Feather

[24] Sutter built the first house, Hadel and Zins followed the example, Zins' being the first real brick building erected in the country. Morse, *Hist. Sac.*, places the founding in 1844.

[25] As well as one for Montezuma. *Cal. Star*, Oct. 23, 1847; *Gregson's Stat.*, MS., 7.

[26] With four pairs of stones, which was fast approaching completion. A dam had been constructed, with a four-mile race. Description and progress in *Id.; Bigler's Diary*, MS., 56–7; *Sutter's Pers. Rem.*, MS., 159. Brighton has now risen on the site.

[27] Of some 44,000 acres, chiefly for his Hawaiian patron, E. Grimes.

[28] Of 35,500 acres; Dedmond's was 20,000. Leidesdorff had erected a house in 1846, at the present Routier's.

River,[29] his chief stock-range, and also embracing fine plantations.[30] On the east side of this region lies the tract of Nicolaus Altgeier,[31] and along the north bank of Bear River, Sebastian Keyser and the family of William Johnson have located themselves;[32] opposite are two Frenchmen, Theodore Sicard and Claude Chanon. The south bank of the Yuba is occupied by Michael C. Nye, John Smith, and George Patterson.[33] Facing them, along Feather River, Theodore Cordua had settled in 1842, and established a trading post, owning some 12,000 head of stock.[34] Charles Roether had in 1845 located himself on Honcut Creek, and near him are now Edward A. Farwell and Thomas Fallon.[35] The lands of Samuel Neal and David Dutton are on Butte Creek; William Northgrave's place is on Little Butte; W. Dickey, Sanders, and Yates had in 1845 taken up the tract on Chico Creek which John Bidwell is at this time entering upon.[36] Peter Lassen, the famous Danish trapper, had settled on Deer Creek, and erected a mill and smithy,[37] granting a league to Daniel Sill, Sen. Moon's rancho is held by W. C. Moon and Merritt. A. G. Toomes occupies a tract north of the creek which bears his

[29] A name applied by Sutter from the feather ornaments of the natives.

[30] It was founded in 1841, and managed successively by Bidwell, Benitz, S. J. Hensley, and Kanaka Jim. It had 5,000 head of cattle and 1,200 horses.

[31] Who settled on the present site of Nicolaus. North of Hock Farm, C. W. Flügge had obtained a grant which was transferred to Consul Larkin.

[32] On the five-league rancho given to P. Gutierrez, deceased, by Sutter, who made several grants in the valley, by authority. They bought land and cattle and divided.

[33] Smith, who came first, in 1845, sold a part of his tract to Patterson. The first two had nearly 2,000 head of stock.

[34] This rancho, on the site of the present Marysville, he called New Mecklenburg, in honor of his native German state. Chas Covillaud was manager; trade relations were had with San Francisco.

[35] The former on a grant claimed by Huber; the two latter on Farwell's rancho.

[36] Northgrave was a settler on the tract claimed by S. J. Hensley, but disallowed afterward. James W. Marshall had abandoned his holding on the same tract. The confirmed grants were Fernandez, 4 leagues; Arroyo Chico of Bidwell, 5 leagues; Agua Fria of Pratt, 6 leagues; Llano Seco of Parrott, 4 leagues; Bosquejo of Lassen, 5 leagues; Boga of Larkin, 5 leagues; Esquon of Neal, 5 leagues. The claims of Cambuston, Huber, Hensley, Nye, and others were rejected.

[37] *Bidwell's Cal. 1841-8*, MS., 231-2.

name, and above, on Antelope Creek, lives Job F. Dye, below P. B. Reading, who ranks as the most northern settler in the valley, on Cottonwood Creek,[38] one of the numerous tributaries here fed by the adjacent snow-crowned summits dominated by the majestic Shasta.

Descending along the west bank of the Sacramento, we encounter the rancho of William B. Ide, of Bear-flag fame;[39] below him, on Elder Creek, is William C. Chard, and R. H. Thomes on the creek named after him.[40] On Stony Creek, whence Sutter obtains grindstones,[41] live Granville P. Swift, Franklin Sears, and Bryant; below them John S. Williams has lately settled with his wife, the first white woman in this region.[42] Watt Anderson is found on Sycamore Slough, and on the north side of Cache Creek the family of William Gordon.[43] Eastward lies the rancho of William Knight,[44] and below him, facing the mouth of Feather River, that of Thomas M. Hardy.[45] In a hut of tule, facing the Sutter's-fort grant, lives John Schwartz, a reticent builder of airy castles upon his broad domain, and of whom it is said that, having lost his own language, he never learned another. A northern slice of his land he sold to James McDowell and family.[46] On Putah Creek, John R. Wolfskill had, since 1842, occupied a four-league grant. Adjoining, on Ulattis

[38] One Julian occupied it for him in 1845, and he himself settled there in 1847.

[39] Just below the present Red Bluff, a tract bought by him from Josiah Belden. These northern grants averaged five leagues each.

[40] He built the first dwelling in the county, on the site of Tehama

[41] Cut by Moon, Merritt, and Lassen.

[42] Of Colusa county, daughter of Jos. Gordon. He located himself two miles south of Princeton, on the Larkin children's grant, with 800 head of cattle, on shares with Larkin. M. Diaz' claim to 11 leagues was rejected.

[43] Who built the first dwelling in Yolo county, in 1842, on Quesisosi grant. His son-in-law, Nathan Coombs, was probably the first white bridegroom in the Sacramento Valley. Married by Sutter in 1844. His son William was the first white child of Yolo county. Coombs soon moved to Napa Valley.

[44] Who settled at the present Knight's Landing.

[45] An Englishman, hostile to Americans.

[46] McDowell built a log house at the present Washington, and was, in 1847, presented with the first white girl of Yolo county. He paid Schwartz 12½ cents an acre for 600 acres.

Creek, extends the grant of Vaca and Peña, and at its mouth are Feltis Miller J D. Hoppe, and Daniel K. Berry.

Hence, down the Sacramento for four leagues stretches the Ulpinos grant of John Bidwell, which he sought to improve by sending, in 1846, a party of immigrants to transform the lonely house then standing there into a town. After a few months' suffering from hunger and hardships, the party abandoned a site for which the Indian name of Halo Chemuck, 'nothing to eat,' was for a time appropriately retained. Charles D. Hoppe bought a fourth of the tract in 1847.[47] Equally unsuccessful was the contemporaneous effort of L. W. Hastings, a Mormon agent, to found the town of Montezuma, fifteen miles below, at the junction of the Sacramento and San Joaquin in Suisun Bay. His co-religionists objected to the site as devoid of timber; yet he remained hopeful, and ordered a windmill and ferry-boat to increase the attractions of his solitary house.[48]

These efforts at city building indicate how widely appreciated was the importance of a town which should tap, not merely each section of the great valley, as at Sutter's Fort and Stockton, but the joint outlet of the Sacramento and San Joaquin. It was foreseen that hence would flow the main wealth of the country, although the metallic nature of the first current was little anticipated. The idea seems to have struck simultaneously Bidwell, Hastings, and Semple. The last named, with a judgment worthy of the towering editor of the *Californian*, selected the billowy slopes of the headland guarding the opening of this western Bosphorus, the strait of Carquines, the inner golden gate of San Francisco Bay. Indeed, the

[47] The present town of Rio Vista lies just below the site. Another version has it that the three families settled there were carried away by the gold-fever, and that 'halachummuck' was called out by Indians when they here killed a party of starving hunters.

[48] *Cal. Star*, Oct. 23, 1847; *Buffum's Four Months*, ?0 Here rose, later, e hamlet of Collinsville.

superiority of the site for a metropolis is unequalled on the Pacific seaboard, and unsurpassed by any spot in the world, lying as it does at the junction of the valley outlet with the head of ocean navigation, with fine anchorage and land-locked harbor, easy ferriage across the bay, fine climate, smooth and slightly rising ground, with a magnificent view over bays and isles, and the lovely valley of the contra costa nestling at the foot of Mount Diablo. And Benicia, as it was finally called, prospered under the energetic management. Although less than a year old, it now boasted nearly a score of buildings, with two hundred lots sold, a serviceable ferry, and with prospects that, utterly eclipsing those of adjoining aspirants, were creating a flutter of alarm in the city at the Gate.[49]

Passing on the extreme right the Armijo rancho,[50] and proceeding up the Napa Valley, now famed alike for its scenery and vineyards, we find a large number of settlers. Foremost among them is the veteran trapper, George Yount, who in 1836 built here the first American block-house of the country, as well as the first flour and saw mill, and extended warm hospitality to subsequent comers. North of him entered soon afterward J. B. Chiles and William Pope into the small valleys bearing their names, and E. T. Bale and John York.[51] The Berreyesa brothers occupy their large valley across the range, on the headwaters of Putah Creek; and on the site of the present Napa City, just about to be laid out, stand the two houses of Cayetano Juarez and Nicolás Higuera, who had settled on this spot in 1840, followed by Salvador Vallejo, and later by Joel P. Walker and Nathan

[49] Stephen Cooper was alcalde. For other names, see preceding volume, v. 672 et seq.

[50] Properly in Suisun Valley, near the present Fairfield, where bordered also the grants of Suisun and Suscol, the latter claimed by Vallejo, but which claim was rejected. Mare Island was used as a stock-range by V. Castro, its grantee.

[51] At the present St Helena and Calistoga, respectively. With Yount was C. Hopper; with Pope, Barnett; and with Chiles, Baldridge. Below extended the Chimiles grant of J. I. Berreyesa.

Coombs; ana by John Rose and J. C. Davis, who in 1846 built a schooner here, and were now erecting a mill for Vallejo.[52] Northward, in the region round Clear Lake, Stone and Kelsey occupy a stock-range, and George Rock holds the Guenoc rancho.[53]

The similar and parallel valley of Sonoma, signifying 'of the moon,' is even more thickly occupied under the auspices of M. G. Vallejo, the potentate of this region and ranking foremost among Hispano-Californians. This town of Sonoma, founded as a presidio thirteen years before, near the dilapidated mission Solano, claims now a population of 260, under Alcalde Lilburn W. Boggs, with twoscore houses, among which the two-story adobe of the general is regarded as one of the most imposing in the country. The barrack is occupied by a company of New York volunteers under Captain Brackett, which adds greatly to the animation of the place. Several members of Vallejo's family occupy lands above and below on Sonoma Creek, as, for instance, Jacob P. Leese; westward on Petaluma Creek, Juan Miranda and family have settled; above are James Hudspeth, the large grant of the Carrillos,[54] and the fertile ranchos of Mark West and John B. R. Cooper, the latter with mill and smithy. At Bodega, Stephen Smith had in 1846 established a saw-mill, worked by the first steam-engine in California, and obtained a vast grant,[55] which embraced the former Russian settlement with its dismantled stockade fort. Edward M. McIntosh and James Dawson's widow hold the adjoining ranchos of Jonive and Pogolomi, the latter having planted a vineyard on the Estero Americano. Above on the

[52] There were a number of other settlers, nearly four score, by this time, and two saw-mills and two flour-mills. *Cal. Star*, Jan. 22, April 1, 1848.

[53] Of 21,000 acres. J. P. Leese and the Vallejos had stock, the latter claiming the Lupyomi tract of 16 leagues, which was rejected, and Rob F Ridley that of Collayomi of 8,000 acres, which was confirmed.

[54] Mrs Carrillo's covering the present Santa Rosa, and Joaquin Carrillo's that of Sebastopol.

[55] Of 35,000 acres. Both men had been sailors, the former from Scotland, the other from Erin.

coast are the tracts of William Benitz and Ernest Rufus, the latter with a grist-mill.[56] Along Russian River stretches the Sotoyome grant of H. D. Fitch, with vineyards and mill.[57] Cyrus Alexander, lately Fitch's agent, had occupied Alexander Valley, and below him now live Lindsay Carson and Louis Legendre.[58]

The hilly peninsula between the bay and ocean, named after the Indian chief Marin, is indebted for a comparatively compact occupation mainly to its position relative to other settlements, and to the impulse given by the now secularized and decaying mission establishment of San Rafael. This lovely spot was budding into a town, and contained several settlers,[59] besides Timoteo Murphy, in charge of the mission estate. Above extend the tracts of Novato[60] and Nicasio, the latter owned by James Black,[61] and adjoining, those of Ramon Mesa and Bartolomé Bojorques. Rafael García and Gregorio Briones are located on the ranchos of Tomales and Bolinas, owning many cattle; and William A. Richardson holds that of Sauzalito, which is already an anchorage and supply station,[62] yet with aspirations cramped by the closely pressing hills, and overshadowed by the looming metropolis.[63]

[56] Erected by H. Hägler on Walhalla River, which is now usually called Gualala River.

[57] Covering the present site of Healdsburg.

[58] Among other settlers may be mentioned Frank Bedwell, Mose Carson, Fred. Starke, Hoeppner, Wilson, the Piñas, and the Gordons.

[59] Among them Mrs Merriner and sons, Jacob and J. O. B.; Short and Mrs Miller near by. Ignacio Pacheco was justice of the peace.

[60] Obtained by F. Fales in 1839 and transferred to Leese.

[61] Who had obtained it from J. O'Farrell, in exchange for his grant near Bodega.

[62] The earliest settler here, since 1826, had been John J. Read, who subsequently obtained the Corte de Madera rancho, where he planted orchards and erected a grist-mill, followed by a saw-mill in 1843, the year of his death. Angel Island was for a time occupied by A. M. Osio. Among other settlers were Martin and Tom Wood, the latter a famous vaquero.

[63] On the map presented I mark with preference the names of settlers, giving the rancho only when the actual holder is in doubt, as represented by proxy or tenant, or claiming merely by virtue of grant. The preceding matter has been drawn from official documents, books, and manuscripts, with no small supplementing by the mouths of living men

Such is the detail of the picture which I wish to present of central and northern California in January 1848. I will complete it with some generalities of physical features and population, thus giving as a whole the inhabitants and their environment.

It is the dawn of history in these parts, presently to be followed by a golden sunlight flooding the whole western world. All along the centuries California had lain slumbering, wrapt in obscurity, and lulled by the monotone of ocean. The first fitful dreams of explorers in search of an ever-eluding strait, of cities stored with treasures, had subsided into pastoral scenes, with converts and settlers clustering round white-walled missions in the shadow of the cross. Then came the awakening, impelled by a ruder invasion of soldiers and land-greedy backwoodsmen, the premonitory ripple of international interest and world-absorbing excitement.

Strewn lavishly about is what men most covet, those portions of nature's handiwork called wealth and wealth-making material, the acquisition of which is the great burden progressive men conventionally lay upon themselves as the price of their civilization. These resources reveal themselves in the long snow-clad uplands of the Sierra, with their timber and metals, in the northern foothills, revelling in perennial spring, and in the semi-tropic vegetation of the central and southern valleys. The extremes of heat and cold, of desert aridity and unhealthy rankness, are rare and of small extent, serving rather to illustrate as remnants the method and means of nature in producing one of her masterpieces. Such are the unsightly marshes in different localities; the Colorado desert bordering the river of that name, and its link along the eastern declivity of the Sierra Nevada with the great basin of the interior, which in the south is marked by a dismal stretch of bare ridges and intervening valleys of sand and volcanic scoria, with occasional muddy salt pools and cracked surfaces frosted

with alkali, and in the south by a rugged lake basin. Yet even here the evil is superficial, for nature has left compensation in many valuable minerals; and art promises to continue her task of reclamation by means of palm-lined canals, health-bringing eucalyptus groves, and rain-inviting forests.

It is a terrane younger than the eastern seaboard, wrought not by the same slow and prosy process of ordinary strata formation, but in many a fit of passion, with upheavals and burstings asunder, with surging floods and scorching blasts. The soil yet quivers and is quick with electric force, and climatic moods are fitful as ever; here a gentle summer's holiday, there a winter of magnificent disorder; between, exhilarating spring, with buds and freshness, and beyond, a torrid fringe, parched and enervating. Side by side in close proximity are decided differences, with a partial subordination of latitude and season to local causes. Thus, on the peninsula of San Francisco winter appears in vernal warmth and vigor, and summer as damp and chilly autumn, while under the shelter of some ridge, or farther from the ocean, summer is hot and arid, and winter cold and frosty.

While configuration permits surprises, it also tempers them, and as a rule the variations are not sudden. The sea breezes are fairly constant whenever their refreshing presence is most needed, leaving rarely a night uncooled; and the seasons are marked enough within their mild extremes. At San Francisco a snow-fall is almost unknown, and a thunderstorm or a hot night extremely rare. Indeed, the sweltering days number scarcely half a dozen during the year. The average temperature is about 56 degrees Fahrenheit, which is the mean for spring. In summer and autumn this rises to 60 and 59, respectively, falling in winter to 51, while at Sacramento the average is 58 degrees, with 56°, 69°, 61°, and 45° for the four seasons respectively. At Humboldt Bay, in the north, the temperature varies from 43 degrees in

the winter to 57° in the summer, averaging $51\frac{1}{2}°$; and at San Diego, in the south, it ranges as the extremes from 52 to 71 degrees,[64] while the average of summer and winter and night and day does not vary over ten degrees.

In summer an equilibrium is approached; in winter the tiresome reserve is broken. By early autumn a wide-spread deadness obtains; the hills wear a bleached appearance, the smaller streams are empty, the plain is parched and dusty, the soil cracked in fissures from excessive dryness; green fields have turned sere and yellow, and the weeds snap like glass when trodden on. It is the period of nature's repose. The grass is not dead, but sleepeth. When the winter rains begin, in November, after a respite of six months, vegetal life revives; the softened soil puts on fresh garments; the arid waste blossoms into a garden. The cooler air of winter condenses the vapor-laden winds of ocean, which, during the preceding months, are sapped of their moisture by the hot and thirsty air. And all this is effected with only half the amount of rain falling in the Atlantic states, the average at San Francisco being little over twenty inches annually, at Sacramento one tenth less, and at San Diego one half; while in the farther north the fall is heavier and more evenly distributed.

In this dry, exhilarating atmosphere the effect of the sun is not so depressing as in moister regions, and with cool, refreshing nights, the hottest days are bearable. It is one of the most vitalizing of climates for mind and body, ever stimulating to activity and enjoyment. Land and sea vie with each other in life-giving supremacy, while man steps in to enjoy the benefits. When the one rises in undue warmth, the other frowns it down; when one grows cold and sullen, the other beams in happy sunshine. Winds and

[64] Severe extremes are confined to a few torrid spots like Fort Yuma, and to the summits of the eastern ranges. Comprehensive data on climate in *Hittell's Comm. and Indust.*, 62–81.

currents, sun and configuration, the warm stream from ancient Cathay, and the dominating mountains, all aid in the equalization of differences.

Thus lay the valley of California a-dreaming, with visions of empire far down the vistas of time, when behold, the great awakening is already at hand! Even now noiseless bells are ringing the ingathering of the nations; for here is presently to be found that cold, impassive element which civilization accepts as its symbol of the Most Desirable, and for which accordingly all men perform pilgrimage and crusade, to toil and fight and die.

CHAPTER II.

THE DISCOVERY OF GOLD.

JANUARY, 1848.

SITUATION OF SUTTER—HIS NEED OF LUMBER—SEARCH FOR A MILL SITE IN THE MOUNTAINS—CULUMA—JAMES W. MARSHALL—THE BUILDING OF A SAW-MILL DETERMINED UPON—A PARTY SETS FORTH—ITS PERSONNEL—CHARACTER OF MARSHALL—THE FINDING OF GOLD—WHAT MARSHALL AND HIS MEN THOUGHT OF IT—MARSHALL RIDES TO NEW HELVETIA AND INFORMS SUTTER—THE INTERVIEW—SUTTER VISITS THE MILL—ATTEMPT TO SECURE THE INDIAN TITLE TO THE LAND.

JOHN A. SUTTER was the potentate of the Sacramento, as we have seen. He had houses and lands, flocks and herds, mills and machinery; he counted his skilled artisans by the score, and his savage retainers by the hundred. He was, moreover, a man of progress. Although he had come from cultured Europe, and had established himself in an American wilderness, he had no thought of drifting into savagism.

Among his more pressing wants at this moment was a saw-mill. A larger supply of lumber was needed for a multitude of purposes. Fencing was wanted. The flour-mills, then in course of construction at Brighton, would take a large quantity; the neighbors would buy some, and boards might profitably be sent to San Francisco, instead of bringing them from that direction.[1] There were no good forest trees, with

[1] Since 1845 Sutter had obtained lumber from the mountains, got out by whip-saws. *Bidwell's Cal. 1841–8*, MS., 226. The author of this most valuable manuscript informs me further that Sutter had for years contemplated building a saw-mill in order to avoid the labor and cost of sawing lumber by hand in the redwoods on the coast, and bringing it round by the bay in his vessel. With this object he at various times sent exploring parties into the

the requisite water-power, nearer than the foothills of the mountains to the east. Just what point along this base line would prove most suitable, search would determine; and for some time past this search had been going on, until it was interrupted by the war of conquest. The war being over, explorations were renewed.

Twoscore miles above Sutter's Fort, a short distance up the south branch of American River, the rocky gateway opens, and the mountains recede to the south, leaving in their wake softly rounded hills covered with pine, balsam, and oak, while on the north are somewhat abrupt and rocky slopes, patched with grease-wood and chemisal, and streaked with the deepening shades of narrow gulches. Between these bounds is a valley four miles in circumference, with red soil now covered by a thin verdure, shaded here and there by low bushes and stately groves. Culuma, 'beautiful vale,'[2] the place was called. At times sunk in isolation, at times it was stirred by the presence of a tribe of savages bearing its name, whose several generations here cradled, after weary roaming, sought repose upon the banks of a useful, happy, and sometimes frolicsome stream. Within the half-year civilization had penetrated these precincts, to break the periodic solitude with the sound of axe and rifle; for here the saw-mill men had come, marking their course by a tree-blazed route, presently to show the way to the place where was now to be played the first scene of a drama which had for its audience the world.

Among the retainers of the Swiss hacendado at this time was a native of New Jersey, James Wilson Marshall, a man of thirty-three years, who after drifting in the western states as carpenter and farmer,[3]

mountains. Bidwell himself, in company with Semple, was on one of these unsuccessful expeditions in 1846. Mrs Wimmer states that in June 1847 she made ready her household effects to go to Battle Creek, where a saw-mill was to be erected, but the men changed their plans and went to Coloma.

[2] We of to-day write Coloma, and apply the name to the town risen there.

[3] Born in 1812 in Hope township, Hunterdon county, New Jersey, where

came hither by way of Oregon to California. In July 1845 he entered the service of Sutter, and was duly valued as a good mechanic. By and by he secured a grant of land on Butte Creek,[4] on which he placed some live-stock, and went to work. During his absence in the war southward, this was lost or stolen; and somewhat discouraged, he turned again to Sutter, and readily entered into his views for building a saw-mill.[5]

The old difficulty of finding a site still remained, and several exploring excursions were now made by Marshall, sometimes accompanied by Sutter, and by others in Sutter's service.[6] On the 16th of May, 1847, Marshall set out on one of these journeys, accompanied by an Indian guide and two white men, Treador and Graves.[7] On the 20th they were joined by one Gingery, who had been exploring with the same object on the Cosumnes. They travelled up the stream now called Weber Creek to its head, pushed on to the American River, discovered Culuma, and settled upon this place as the best they had found, uniting as it did the requisite water-power and timber, with a

his father had initiated him into his trade as wagon-builder. Shortly after his twenty-first birthday the prevailing westward current of migration carried him through Indiana and Illinois to Missouri. Here he took up a homestead land claim, and bid fair to prosper, when fever and ague brought him low, whereupon, in 1844, he sought the Pacific Coast. *Parsons' Life of Marshall*, 6–8. He started in May 1844, and crossed by way of Fort Hall to Oregon, where he wintered. He then joined the McMahon-Clyman party for California. See *Hist. Cal.*, iv. 731, this series.

[4] Bought, says Parsons, from S. J. Hensley.

[5] Marshall claims to have first proposed the scheme to Sutter. *Hutchings' Mag.*, ii. 199. This is doubtful, as shown elsewhere, and is in any event immaterial.

[6] Marshall says that while stocking the ploughs, three men, Gingery, Wimmer, and McLellan, who had heard of his contemplated trip, undertook one themselves, after obtaining what information and directions they could from Marshall. Wimmer found timber and a trail on what is now known as the Diamond Springs road, and the 13th of May he and Gingery began work some thirteen miles west of the place where the Shingle Springs house subsequently stood. Gingery was afterward with Marshall when the latter discovered the site of the Coloma mill.

[7] Marshall implies that this was his first trip. Sutter states definitely, 'He went out several times to look for a site. I was with him twice on these occasions. I was not with him when he determined the site of the mill.' *Sutter's Pers. Rem.*, MS., 160–1.

possible roadway to the fort.[8] Sutter resolved to lose no time in erecting the mill, and invited Marshall to join him as partner.[9] The agreement was signed in the latter part of August,[10] and shortly afterward Marshall set out with his party, carrying tools and supplies on Mexican ox-carts, and driving a flock of sheep for food. A week was occupied by the journey.[11] Shelter being the first thing required on arrival, a double log house was erected, with a passage-way between the two parts, distant a quarter of a mile or more from the mill site.[12] Subsequently two other cabins were constructed nearer the site. By New-Year's day the mill frame had risen, and a fortnight

[8]Marshall estimated that even then the lumber would have to be hauled 18 miles, and could be rafted the rest of the way. A mission Indian, the alcalde of the Cosumnes, is said to have been sent to solve some doubts concerning the site. Marshall must indeed have been well disciplined. Not many men of his temperament would have permitted an Indian to verify his doubted word.

[9]A contract was drawn up by John Bidwell, clerk, in which Sutter agreed to furnish the men and means, while Marshall was to superintend the construction, and conduct work at the mill after its completion. It is difficult to determine what the exact terms of this contract were. Sutter merely remarks that he gave Marshall an interest in the mill. *Pers. Rem.*, MS., 160. Bidwell says nothing more than that he drew up the agreement. *Cal. 1841–8*, MS., 228. Marshall, in his communication to *Hutchings' Magazine*, contents himself with saying that after returning from his second trip, the 'copartnership was completed.' Parsons, in his *Life of Marshall*, 79–80, is more explicit. 'The terms of this agreement,' he writes, 'were to the effect that Sutter should furnish the capital to build a mill on a site selected by Marshall, who was to be the active partner, and to run the mill, receiving certain compensation for so doing. A verbal agreement was also entered into between the parties, to the effect that if at the close of the Mexican war then pending California should belong to Mexico, Sutter as a citizen of that republic should possess the mill site, Marshall retaining his rights to mill privileges, and to cut timber, etc.; while if the country was ceded to the United States, Marshall as an American citizen should own the property.' In the same work, p. 177, is an affidavit of John Winters, which certifies that he, Winters, and Alden S. Bagley purchased, in Dec. 1848, John A. Sutter's interest in the Coloma mill—which interest was one half—for $6,000, and also a third of the interest of Marshall for $2,000, which implies that Marshall then owned the other half. Mrs Wimmer, in her narrative, says that Sutter and Marshall were equal partners. *S. F. Bulletin*, Dec. 19, 1874.

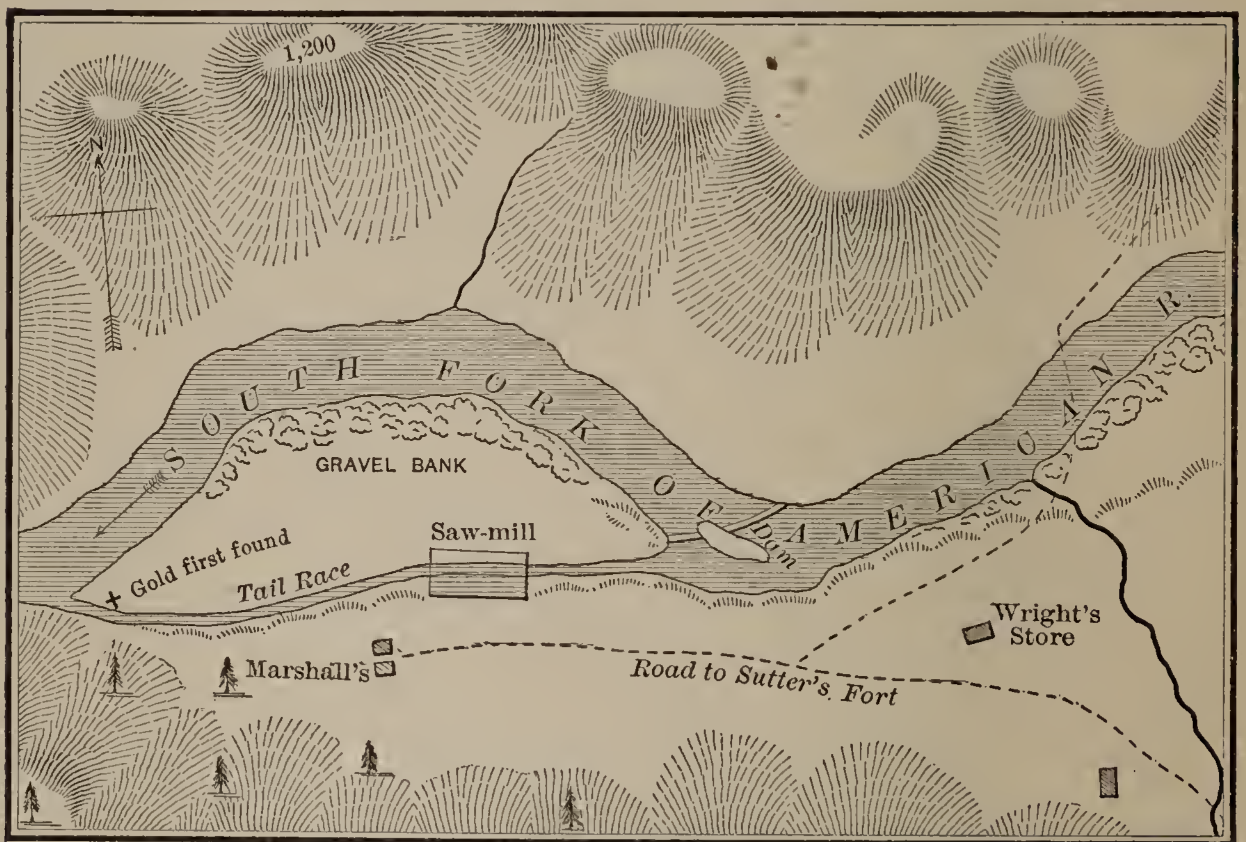
[10] Marshall says Aug. 27th; Parsons, Aug. 19th; Bidwell, in a letter to the author, Aug. or Sept.

[11] Mrs Wimmer makes the time a fortnight.

[12] One part of the house was occupied by the men, and the other part by the Wimmers, Mrs Wimmer cooking for the company. About the close of the year, however, a dispute arose, whereupon the men built for themselves a cabin near the half-completed mill, and conducted their own culinary department. Their food was chiefly salt salmon and boiled wheat. Wimmer's young sons assisted with the teaming.

later the brush dam was finished, although not till the fortitude of Marshall and his men had been tried by a flood which threatened to sweep away the whole structure.

Another trouble arose with the tail-race. In order to economize labor, a dry channel had been selected, forty or fifty rods long, which had to be deepened and widened. This involved some blasting at the upper end; but elsewhere it was found necessary merely to loosen the earth in the bed, throwing out the larger



Scene of Discovery.

stones, and let the water during the night pass through the sluice-gate to wash away the débris.

It was a busy scene presented at this advance post of civilization, at the foot of the towering Sierra, and it was fitly participated in by eight aboriginal lords of the soil, partly trained at New Helvetia. The half-score of white men were mostly Mormons of the disbanded battalion, even now about to turn their faces toward the new Zion. A family was represented in the wife and children of Peter L. Wimmer,[13] the as-

[13] Original form of name appears to have been Weimer, corrupted by Eng-

sistant of Marshall, and occupied in superintending the Indians digging in the race. Henry W. Bigler was drilling at its head; Charles Bennett and William Scott were working at the bench; Alexander Stephens and James Barger were hewing timber; Azariah Smith and William Johnson were felling trees; and James O. Brown was whip-sawing with a savage.[14]

They were a cheerful set, working with a will, yet with a touch of insouciance, imparted to some extent by the picturesque Mexican sombrero and sashes, and sustained by an interchange of banter at the simplicity or awkwardness of the savages. In Marshall they had a passable master, though sometimes called queer. He was a man fitted by physique and temperament for the backwoods life, which had lured and held him. Of medium size, strong rather than well developed, his features were coarse, with a thin beard round the chin and mouth, cut short like the brown hair; broad forehead and penetrating eyes, by no means unintelligent, yet lacking intellectuality, at times gloomily bent on vacancy, at times flashing with impatience.[15] He was essentially a man of moods; his mind was of dual complexion. In the plain and

lish pronunciation to Wimmer. Bigler, *Diary*, MS., 60, has Wemer, which approaches the Weimer form.

[14] Among those who had set out with Marshall upon the first expedition of construction were Ira Willis, Sidney Willis, William Kountze, and Ezekiel Persons. The Willis brothers and Kountze returned to the fort in September 1847, the two former to assist Sutter in throwing a dam across the American River at the grist-mill, and the latter on account of ill health. Mention is made of one Evans, sent by Sutter with Bigler, Smith, and Johnson, Bennett and Scott following a little later; but whether Evans or Persons were on the ground at this time, or had left, no one states. Bigler, Stephens, Brown, Barger, Johnson, Smith, the brothers Willis, and Kountze had formerly belonged to the Mormon battalion.

[15] Broad enough across the chest, free and natural in movement, he thought lightly of fatigue and hardships. His complexion was a little shaded; the mouth declined toward the corners; the nose and head were well shaped. In this estimate I am assisted by an old daguerreotype lying before me, and which reminds me of Marshall's answer to the editor of *Hutchings' Magazine* in 1857, when asked for his likeness. 'I wish to say that I feel it a duty I owe to myself,' he writes from Coloma the 5th of Sept., 'to retain my likeness, as it is in fact all I have that I can call my own; and I feel like any other poor wretch, I want something for self. The sale of it may yet keep me from starving, or it may buy me a dose of medicine in sickness, or pay for the funeral of a dog, and such is all that I expect, judging from former kindnesses. I owe the country nothing.'

proximate, he was sensible and skilful; in the obscure and remote, he was utterly lost. In temper it was so; with his companions and subordinates he was free and friendly; with his superiors and the world at large he was morbidly ill-tempered and surly.[16] He was taciturn, with visionary ideas, linked to spiritualism, that repelled confidence, and made him appear eccentric and morbid; he was restless, yet capable of self-denying perseverance that was frequently stamped as obstinacy.[17]

Early in the afternoon of Monday, the 24th[18] of

[16] For example, Bigler, who worked under him, says of him, *Diary*, MS., 57, 'An entire stranger to us, but proved to be a gentleman;' and again, 72, 'in a first-rate good humor, as he most always was.' He was a truthful man, so far as he knew the truth. 'Whatever Mr Marshall tells you, you may rely on as correct,' said the people of Coloma to one writing in *Hutchings' Mag.*, ii. 201. This is the impression he made on his men. On the other hand, Sutter, who surely knew him well enough, and would be the last person to malign any one, says to the editor of the *Lancaster Examiner:* 'Marshall was like a crazy man. He was one of those visionary men who was always dreaming about something.' And to me Sutter remarked; 'He was a very curious man, quarrelled with nearly everybody, though I could get along with him.' *Pers. Rem.*, MS., 160.

[17] Passionate, he was seldom violent; strong, he was capable of drinking deeply and coming well out of it; but he did not care much for the pleasures of intoxication, nor was he the drunkard and gambler that some have called him. He was not always actuated by natural causes. Once in a restaurant in San Francisco, in company with Sutter, he broke out: 'Are we alone?' 'Yes,' Sutter said. 'No, we are not,' Marshall replied, 'there is a body there which you cannot see, but which I can. I have been inspired by heaven to act as a medium, and I am to tell Major-General Sutter what to do.' But though foolish in some directions, he was in others a shrewd observer. Sutter, *Pers. Rem.*, MS., 160, and Bidwell, *Cal. 1841-8*, MS., 228, both praise him as a mechanic; and though in some respects a fool, he is still called 'an honest man.' *Barstow's Stat.*, MS., 14; *S. F. Alta Cal.*, Aug. 17, 1874. To dress, naturally, he paid but little attention. He was frequently seen in white linen trousers, buckskin leggings and moccasons, and Mexican sombrero.

[18] The 19th of January is the date usually given; but I am satisfied it is incorrect. There are but two authorities to choose between, Marshall, the discoverer, and one Henry W. Bigler, a Mormon engaged upon the work at the time. Besides confusion of mind in other respects, Marshall admits that he does not know the date. 'On or about the 19th of January,' he says, *Hutchings' Magazine*, ii. 200; 'I am not quite certain to a day, but it was between the 18th or 20th.' Whereupon the 19th has been generally accepted. Bigler, on the other hand, was a cool, clear-headed, methodical man; moreover, he kept a journal, in which he entered occurrences on the spot, and it is from this journal I get my date. If further evidence be wanting, we have it. Marshall states that four days after the discovery he proceeded to New Helvetia with specimens. Now, by reference to another journal, *N. Helvetia Diary*, we find that Marshall arrived at the fort on the evening of the 28th. If we reckon the day of discovery as one of the four days, allow Marshall one

January, 1848, while sauntering along the tail-race inspecting the work, Marshall noticed yellow particles mingled with the excavated earth which had been washed by the late rains. He gave it little heed at first; but presently seeing more, and some in scales, the thought occurred to him that possibly it might be gold. Sending an Indian to his cabin for a tin plate, he washed out some of the dirt, separating thereby as much of the dust as a ten-cent piece would hold; then he went about his business, stopping a while to ponder on the matter. During the evening he remarked once or twice quietly, somewhat doubtingly, "Boys, I believe I have found a gold mine." "I reckon not," was the response; "no such luck."

Up betimes next morning, according to his custom, he walked down by the race to see the effect of the night's sluicing, the head-gate being closed at daybreak as usual. Other motives prompted his investigation, as may be supposed, and led to a closer examination of the débris. On reaching the end of the race a glitter from beneath the water caught his eye, and bending down he picked from its lodgement against a projection of soft granite, some six inches below the surface, a larger piece of the yellow substance than any he had seen. If gold, it was in value equal to about half a dollar. As he examined it his heart began to throb. Could it indeed be gold! Or was it only mica, or sulphuret of copper, or other ignis fatuus! Marshall was no metallurgist, yet he had practical sense enough to know that gold is heavy and malleable; so he turned it over, and weighed it in his hand; then he bit it; and then he hammered it between two stones. It must be gold! And the mighty secret of the Sierra stood revealed!

Marshall took the matter coolly; he was a cool enough man except where his pet lunacy was touched. On further examination he found more of the metal.

night on the way, which Parsons gives him, and count the 28th one day, we have the 24th as the date of discovery, trebly proved.

He went to his companions and showed it to them, and they collected some three ounces of it, flaky and in grains, the largest piece not quite so large as a pea, and from that down to less than a pin-head in size. Half of this he put in his pouch, and two days later mounted his horse and rode over to the fort.[19]

[19] The events which happened at Coloma in January 1848 are described by four persons who were actually present. These are Bigler, Marshall, and Wimmer and his wife. Of these Bigler has hitherto given nothing to the public except a brief letter published in the *San Francisco Bulletin*, Dec. 31, 1870. To me, however, he kindly presented an abstract of the diary which he kept at the time, with elaborations and comments, and which I esteem as one of the most valuable original manuscripts in my possession. The version given in this diary I have mainly followed in the text, as the most complete and accurate account. The others wrote from memory, long after the event; and it is to be feared too often from a memory distorted by a desire to exalt their respective claims to an important share in the discovery. But Bigler has no claims of this kind to support. He was not present when the first particles were discovered, nor when the first piece was picked up in the race; hence of these incidents he says little, confining himself mostly to what he saw with his own eyes. Marshall claims to have been alone when he made the discovery. It is on this point that the original authorities disagree. Bigler says Marshall went down the race alone. Mrs Wimmer and her husband declare that the latter was with Marshall, and saw the gold at the same moment, though both allow that Marshall was the first to stoop and pick it up. Later Mrs Wimmer is allowed to claim the first discovery for her children, who show their findings to their father, he informing Marshall, or at least enlightening him as to the nature of the metal. Marshall tells his own story in a communication signed by him and published in *Hutchings' Mag.*, ii. 199–201, and less fully in a letter to C. E. Pickett, dated Jan. 28, 1856, in *Hittell's Hand-Book of Mining*, 12; *Wiggins' Rem.*, MS., 17–18; and in various brief accounts given to newspapers and interviewers. *Parsons' Life of Marshall* is based on information obtained directly from the discoverer, and must ever constitute a leading authority on the subject. P. L. Wimmer furnished a brief account of the discovery to the *Coloma Argus* in 1855, which is reprinted in *Hittell's Mining*, 13. Mrs Wimmer's version, the result of an interview with Mary P. Winslow, was first printed in the *S. F. Bulletin*, Dec. 19, 1874, though the substance of a previous interview with another person in 1852 is given in the *Gilroy Advocate*, April 24, 1875. Another class of authorities, as important as the foregoing, is composed of those who were the first to hear of the discovery, and appeared on the ground immediately afterward. Foremost among these is Sutter. This veteran has at various times given accounts of the event to a number of persons, the best perhaps being those printed by J. Tyrwhitt Brooks in his *Four Months among the Gold-finders*, 40–71, in the *Gilroy Advocate* of Apr. 24, 1875, and in the *Santa Cruz Sentinel*, July 17, 1875, the latter taken from the *Lancaster Examiner*. Sutter's most complete printed narrative appears, however, in *Hutchings' Mag.*, ii. 194–8. But more important than any of these, because more detailed and prepared with greater care, is the version contained in the manuscript entitled *Sutter's Personal Reminiscences*, which I personally obtained from his lips. The same may be said of those given in the manuscripts of John Bidwell, *California 1841–8*, and of Gregson, *Historical Statement*, both of whom were at New Helvetia when the news first reached there, and at once visited Coloma. Provoked by an article in the *Oregon Bulletin*, with not very flattering reflections, Samuel Brannan made a statement in the *Calistoga Tribune*, which changed matters in no important particular. To attempt to give a list of all who have touched upon

Great discoveries stand more or less connected with accident; that is to say, accidents which are sure to happen. Newton was not seeking the law of gravitation, nor Columbus a new continent, nor Marshall gold, when these things were thrust upon them. And had it not been one of these, it would have been some one else to make the discovery. Gold fevers have had their periodic run since time immemorial, when Scythians mined the Ural, and the desert of Gobi lured the dwellers on the Indus; or when Ophir, the goal of Phœnician traders, paled before the splendor of Apulia. The opening of America caused a revival which the disclosures by Cortés and Pizarro turned into a virulent epidemic, raging for centuries,

the discovery of gold in California would be of no practical benefit to any one. Next in importance, but throwing no additional light upon the subject, are those in *Alta Cal.*, June 26, 1853, May 5, 1872, June 26, 1873, and Aug. 18 and 19, 1874; *Hayes' Col. Mining Cal.*, i. 1; *S. F. Bulletin*, Feb. 4, 1871, Jan. 12, 1872, Oct. 21, 1879, May 12, 1880; *Scientific Press*, May 11, 1872; *Browne's Resources*, 14–15; *Balch's Mines and Miners*, 78; *Farnham's Cal.*, 354–6; *London Quarterly Review*, xci. 507–8; *California Past and Present*, 73–105; *Weik, Cal. wie es ist*, 29–51; *Brooks' Hist.*, 534; *Mason's Official Rept; Larkin's Letters to Secy State*; *Robinson's Gold Region*, 33–46; *Foster's Gold Regions*, 17–22; *Shinn's Mining Camps*, 105–22; *Wiggins' Rem.*, MS., 17–18; *Frost's Hist. Cal.*, 39–55; *Jenkins' U. S. Expl. Ex.*, 431–2; *Oakland Times*, Mar. 6, 1880; *Revere's Tour of Duty*, 228–52; *Schlagintweit, Cal.*, 216; *West Shore Gaz.*, 15; *San José Pioneer*, Jan. 19, 1878; Pfeiffer, *Second Journey*, 290, who is as accurate as excursionists generally are; *Frignet, Hist. Cal.*, 79–80; *Merced People*, June 18, 1872; *Mining Rev. and Stock Ledger*, 1878, 126; *Barstow's Stat.*, MS., 3; *Buffum's Six Months*, 67–8; *Treasury of Travel*, 92–4; *Leavitt's Scrap-Book; Nevada Gazette*, Jan. 22, 1868; *Holinski, La Cal.*, 144; *Grass Valley Union*, April 19, 1870; *Sacramento Illust.*, 7; *Saxon's Five Years within the Golden Gate; Auger, Voyage en Californie*, 149–56; *Annals of S. F.*, 130-2; *Cal. Assoc. Pioneer, First Annual*, 42; *Capron's California*, 184–5; *Bennett's Rec.*, MS., ii. 10–13. I have hardly thought it worth while to notice the stories circulated at various times questioning Marshall's claim as discoverer; as, for example, that Wimmer, or his boy, as before mentioned, was the first to pick up gold; or that a native, called Indian Jim, observed the shining metal, a piece as large as a brass button, which he gave to one of the workmen, Sailor Ike, who showed it to Marshall. Even men away from the spot at the time do not decline the honor. Gregson writes in his *Statement*, MS., 9, 'we, the discoverers of gold,' and in his *History of Stockton*, 73, Tinkham says: 'To those two pioneers of 1839 and 1841, Captain John A. Sutter and Captain Charles M. Weber, belong the honor of discovering the first gold-fields of California, and to them the state owes its wonderful growth and prosperity.' These men were neither of them the discoverers of gold in any sense, nor were they the builders of this commonwealth. Some have claimed that the Mormons discovered the gold at Mormon Island, before Marshall found it at Coloma. Bidwell says that Brigham Young in 1864 assured him that this was the case. *Cal. 1841–8*, MS., 214. Such manifest errors and misstatements are unworthy of serious consideration. There is not the slightest doubt that Marshall was the discoverer.

ever stimulated by advancing exploration and piratical adventure. Every step northward in Mexico confirmed the belief in still richer lands beyond, and gave food for flaming tales like those told by Friar Márcos de Niza.

Opinions were freely expressed upon the subject, some of them taking the form of direct assertions. These merit no attention. Had ever gold been found in Marin county, we might accredit the statement of Francis Drake, or his chaplain, Fletcher, that they saw it there in 1579. As it is, we know they did not see it. Many early writers mention gold in California, referring to Lower California, yet leading some to confound the two Californias, and to suppose that the existence of the metal in the Sierra foothills was then known. Instance Miguel Venegas, Shelvocke, and others of the seventeenth and eighteenth centuries, and early encyclopædia makers. It has always been a favorite trick of navigators to speak of things they either greatly feared or greatly desired as existing. Vizcaino, Knight, and fifty others were certain that the mountains of California contained gold. The developments along the Colorado River led to the same conviction; indeed, it was widely assumed that the Jesuits knew of rich mines within and beyond their precincts. Count Scala claims for the Russians of Bodega knowledge of gold on Yuba River as early as 1815, but he fails to support the assertion. Dana and other professional men of his class are to be censured for what they did not see, rather than praised for the wonderful significance of certain remarks. The mine at San Fernando, near Los Angeles, where work was begun in 1842, is about the only satisfactory instance on record of a knowledge of the existence of gold in Alta California prior to the discovery of Marshall. And this was indeed a clew which could not have failed to be taken up in due time by some one among the host of observant fortune-hunters now pouring in, and forced by circumstances into the for-

ests and foothills in quest of slumbering resources. The Sierra could not have long retained her secret.[20]

The discovery by Marshall was the first that can be called a California gold discovery, aside from the petty placers found in the southern part of the state. It is not impossible that white men may have seen gold in the Sierra foothills before him. This region had been traversed by trappers, by emigrants, and even by men of science; but if they saw gold, either they did not know it or they did not reveal it. No sooner was the discovery announced than others claimed to have been previously cognizant of the fact; but such statements are not admissible. Most of them are evident fabrications; as for the rest, not one has been proved. They were made in the first instance, as a rule, to deprive Marshall of the fame of his discovery, and they failed.

[20] Conspicuous among those not before mentioned are the opinions general of Arthur Dobbs, Samuel Hearne, Jonathan Carver, Duflot de Mofras, Catalá, Pickett, Bidwell, Larkin, Bandini, Osio; the statements of Antonio de Alcedo, Alvarado, Vallejo, Jedediah Smith, Blake, Hastings, and others. Herewith I give a list of authorities on the subject. *Osio, Historia de California*, MS., 506; *Cal. Dept. St Pap.*, viii. 6, 16, etc.; *Larkin's Off. Cor.*, MS., i. 96; *Bandini, Hist. Cal.*, MS., 17–18; *Bidwell's Cal. 1841–8*, MS., 214; *Vallejo, Doc.*, MS., i. 140–1; *Dep. Rec.*, MS., ix. 136; *Vallejo, Notas Históricas*, MS., 35; *Clyman's Diary*, MS.; *Davis' Glimpses*, MS., 149–50; *San Diego, Arch. Index*, MS., 92; *Castañares, Col. Doc. Cal.*, MS., 23; *Alvarado, Hist. Cal.*, MS., i. 77, and iv. 161; *Galindo, Apuntes*, MS., 68–9; *Sutter's Pers. Obs.*, MS., 171; *Hall's Sonora*, MS., 252; *Castroville Argus*, Sept. 7, 1872; *Robinson's Life in Cal.*, 190; *Browne's Min. Res.*, 13–16; *Monterey Herald*, Oct. 15, 1875; *Bryant's Cal.*, 451; *Méx., Mem. Rel.*, 1835, no. 6; *Mofras, Or. et Cal.*, i. 137; *S. F. Alta Cal.*, Mar. 28, 1857, and Jan. 28 and May 18, 1878; *S. F. Herald*, June 1, 1855; *Hesperian Mag.*, vii. 560; *Drake's Voy.; Shelvocke's Voy.; Dobbs' Hudson's Bay; Hardy's Travels in Mex.*, 331–2; *Dunbar's Romance of the Age*, 93–4; *Hughes' Cal.*, 119; *Mendocino Democrat*, Feb. 1, 1872; *Lake County Bee*, Mar. 18, 1873; *Venegas, Hist. Cal.*, i. 177–8; *Antioch Ledger*, Feb. 3, 1872; *Hittell's Mining*, 10–11; *Buffum's Six Months*, 45–6; *Walker's Nar.*, 11; *Merced Argus*, Sept. 2, 1874; *Cronise's Nat. Wealth*, 109; *Hayes' Col. Mining Cal.*, i. 1; *S. F. Bulletin*, July 12 and Oct. 1, 1860, Aug. 14, 1865; *Tuthill's Hist. Cal.*, 231; *Gray's Hist. Or.*, 364; *Dana's Two Years*, 324; *Red Bluff Ind.*, Jan. 17, 1866; *Hutchings' Mag.*, v. 352; *Hunt's Mer. Mag.*, xxiv. 768, xxxi. 385–6, xxxiv. 631–2; *Cal. Chronicle*, Jan. 28, 1856; *Dwinelle, Ad.*, 1866, 28; *Reese Riv. Reveille*, Aug. 10, 1865, and Jan. 29, 1872; *Carson's State Reg.*, Jan. 27, 1862; *Elko Independent*, Jan. 15, 1870; *Sac Union*, June 7, 1861; *Scala, Nouv. An. des Voy.*, clxiv. 388–90; *Quarterly Rev.*, no. 87, 1850, 416; *Gomez, Lo que Sabe*, MS., 228–9; *Hughes' California*, 119; *Carson's Rec.*, 58–9; *Roberts' Rec.*, MS., 10; *Valle, Doc.*, MS., 57; *Dept. St Pap.*, MS., xii. 63–5; *Requena, Doc.*, MS., 4–5; *Los Angeles, Arch.*, MS., v. 331.

It was late in the afternoon of the 28th of January when Marshall dismounted at New Helvetia,[21] entered the office where Sutter was busy writing, and abruptly requested a private interview. The horseman was dripping wet, for it was raining. Wondering what could have happened, as but the day before he had sent to the mill all that was required, Sutter led the way into a private room. "Are you alone?" demanded the visitor. "Yes," was the reply. "Did you lock the door?" "No, but I will if you wish it." "I want two bowls of water," said Marshall. Sutter rang the bell and the bowls were brought. "Now I want a stick of redwood, and some twine, and some sheet copper." "What do you want of all these things, Marshall?" "To make scales." "But I have scales enough in the apothecary's shop," said Sutter; and he brought a pair. Drawing forth his pouch, Marshall emptied the contents into his hand, and held it before Sutter's eyes, remarking, "I believe this is gold; but the people at the mill laughed at me and called me crazy." Sutter examined the stuff attentively, and finally said: "It certainly looks like it; we will try it." First aquafortis was applied; and the substance stood the test. Next three dollars in silver coin were put into one of the scales, and balanced by gold-dust in the other. Both were then immersed in water, when down went the dust and up the silver coin. Finally a volume of the *American Encyclopædia*, of which the fort contained a copy, was brought ont, and the article on gold carefully studied, whereupon all doubts vanished.[22]

[21] Dunbar, *Romance of the Age*, 48, dates the arrival at the fort Feb. 2d, and intimates that the discovery was made the same morning. According to Parsons, Marshall reached the fort about 9 o'clock in the morning, having left Coloma the day before, and passed the preceding night under a tree. On the journey he discovered gold in a ravine in the foothills, and also at the place afterward called Mormon Island, while examining the river for a lumber-yard site. *Life of Marshall*, 84. Sutter, however, both in his *Diary* and in his *Reminiscences*, says that Marshall arrived at the fort in the afternoon. Marshall himself makes no mention of discovering gold on the journey.

[22] *Sutter's Pers. Rem.*, MS., 163–7. In my conferences with Sutter, at Litiz, I endeavored to draw from him every detail respecting the interview here

Marshall proposed that Sutter should return with him to the mill that night, but the latter declined, saying that he would be over the next day. It was now supper-time, and still drizzling; would not the visitor rest himself till morning? No, he must be off immediately; and without even waiting to eat, he wrapped his sarape about him, mounted his horse, and rode off into the rain and darkness. Sutter slept little that night. Though he knew nothing of the magnitude of the affair, and did not fully realize the evils he had presently to face, yet he felt there would soon be enough of the fascination abroad to turn the heads of his men, and to disarrange his plans. In a word, with prophetic eye, as he expressed himself to me, he saw that night the curse of the thing upon him.

On the morning of the 29th of January [23] Sutter

presented in a condensed form. Some accounts assert that when Marshall desired the door to be locked Sutter was frightened, and looked about for his gun. The general assured me this was not the case. Neither was the mind of Marshall wrought into such a fever as many represent. His manner was hurried and excited, but he was sane enough. He was peculiar, and he wished to despatch this business and be back at the mill. Barstow, in his *Statement*, MS., 3, asserts that he did not rush down to the fort, but waited until he had business there. All the evidence indicates that neither Marshall nor Sutter had any idea, as yet, of the importance of the discovery. How could they have? There might not be more than a handful of gold-dust in the whole Sierra, from any fact thus far appearing. See *Bidwell's California 1841–8*, MS., 230; *Bigler's Diary*, MS., 64; *Brooks' Four Months*, 40–3; *Parsons' Life of Marshall*, 84–5; *Hutchings' Mag.*, ii. 194. Gregson, *Statement*, MS., 8, blacksmithing for Sutter when Marshall arrived, saw the gold in a greenish ounce vial, about half filled. Bigler gives Marshall's own words, as repeated on his return to the mill. In every essential particular his account corresponds with that given to me by Sutter.

[23] The day on which Sutter followed Marshall to Coloma is questioned. In his *Reminiscences*, and his statement in *Hutchings' Magazine*, Sutter distinctly says that he left for the saw-mill at seven o'clock on the morning after Marshall's visit to the fort; but in his *Diary* is written Feb. 1st, which would be the fourth day after the visit. Bigler, in his *Diary*, says that Sutter reached the mill on the third or fourth day after Marshall's return. Marshall shows his usual carelessness, or lack of memory, by stating that Sutter reached Coloma 'about the 20th of February.' *Discovery of Gold*, in *Hutchings' Mag.*, ii. 201. Parsons is nearly as far wrong in saying that Sutter 'returned with Marshall to Coloma.' *Life of Marshall*, 86. Mrs Wimmer also says that 'Sutter came right up with Marshall.' This is indeed partly true, as Marshall in his restlessness went back to meet Sutter, and of course came into camp with him. On the whole, I have determined to follow Sutter's words to me, as I know them to be as he gave them. If Sutter did not set out until Feb. 1st, then Marshall did not reach the mill until the 31st of January, else Sutter's whole statement is erroneous.

started for the saw-mill. When half-way there, or more, he saw an object moving in the bushes at one side. "What is that?" demanded Sutter of his attendant. "The man who was with you yesterday," was the reply. It was still raining. "Have you been here all night?" asked Sutter of Marshall; for it was indeed he. "No," Marshall said, "I slept at the mill, and came back to meet you." As they rode along Marshall expressed the opinion that the whole country was rich in gold. Arrived at the mill, Sutter took up his quarters at a house Marshall had lately built for himself, a little way up the mountain, and yet not far from the mill. During the night the water ran in the race, and in the morning it was shut off. All present then proceeded down the channel, and jumping into it at various points began to gather gold.[24] With some contributions by the men, added to what he himself picked up, Sutter secured enough for a ring weighing an ounce and a half, which he soon after exhibited with great pride as a specimen of the first gold. A private examination by the partners up the river disclosed gold all along its course, and in the tributary ravines and creeks.[25]

Sutter regarded the discovery as a misfortune. Without laborers his extensive works must come to a stop, presaging ruin. Gladly would he have shut the knowledge from the world, for a time, at least. With the men at the mill the best he could do was to make them promise to continue their work, and say nothing of the gold discovery for six weeks, by which time he hoped to have his flour-mill completed, and

[24] Bigler, *Diary*, MS., 65–6, gives a joke which they undertook to play on the Old Cap, as Marshall called Sutter. This was nothing less than to salt the mine in order that Sutter in his excitement might pass the bottle. Wimmer's boy, running on before, picked up the gold scattered in the race for the harmless surprising of Sutter, and thus spoiled their sport.

[25] Indeed, Sutter claims that he picked with a small knife from a dry gorge a solid lump weighing nearly an ounce and a half, and regarded the tributaries as the richer sources. The work-people obtained an inkling of their discovery, although they sought henceforth to dampen the interest. One of the Indians who seems to have worked in a southern mine published his knowledge. *Pers. Rem.*, MS.

his other affairs so arranged as to enable him to withstand the result. The men, indeed, were not yet prepared to relinquish good wages for the uncertainties of gold-gathering.

If only the land could be secured on which this gold was scattered—for probably it did not extend far in any direction—then interloping might be prevented, mining controlled, and the discovery made profitable. It was worth trying, at all events. Mexican grants being no longer possible, Sutter began by opening negotiations with the natives, after the manner of the English colonists on the other side of the continent. Calling a council of the Culumas and some of their neighbors, the lords aboriginal of those lands, Sutter and Marshall obtained from them a three years' lease of a tract some ten or twelve miles square, on payment of some shirts, hats, handkerchiefs, flour, and other articles of no great value, the natives meanwhile to be left unmolested in their homes.[26] Sutter then returned to New Helvetia, and the great discovery was consummated.

[26] *Biglers' Diary*, MS., 66. Marshall speaks of this as the consummation of 'an agreement we had made with this tribe of Indians in the month of September previous, to wit, that we should live with them in peace on the same land.' *Discovery of Gold*, in *Hutchings' Mag.*, ii. 200.

CHAPTER III.

THE SECRET ESCAPES.

FEBRUARY, 1848.

BENNETT GOES TO MONTEREY—SEES PFISTER AT BENICIA—'THERE IS WHAT WILL BEAT COAL!'—BENNETT MEETS ISAAC HUMPHREY AT SAN FRANCISCO—UNSUCCESSFUL AT MONTEREY—SUTTER'S SWISS TEAMSTER—THE BOY WIMMER TELLS HIM OF THE GOLD—THE MOTHER WIMMER, TO PROVE HER BOY NOT A LIAR, SHOWS IT—AND THE TEAMSTER, WHO IS THIRSTY, SHOWS IT AT THE FORT—AFFAIRS AT THE MILL PROCEED AS USUAL—BIGLER'S SUNDAY MEDITATIONS—GOLD FOUND AT LIVE OAK BAR—BIGLER WRITES HIS THREE FRIENDS THE SECRET—WHO UNITE WITH THEM OTHER THREE TO HELP THEM KEEP IT—THREE COME TO COLOMA—DISCOVERY AT MORMON ISLAND—THE MORMON EXIT.

OCCASIONALLY instances occur where one's destiny, hitherto seemingly confined in the clouds, is let out in a flood, and if weak, the recipient is overwhelmed and carried down the stream by it; if he be strong, and makes avail of it, his fortune is secured; in any event, it is his opportunity.

Opportunity here presented itself in the first instance to a chosen dozen, none of whom appear to have taken due advantage of it. Having no realization of their situation, they left the field to aftercomers, who by direct or indirect means drew fortune from it. The chief actors, Marshall and Sutter, with proportionately greater interests at stake, primarily displayed no more skill than the others in making avail of opportunity, the former drifting away without one successful grasp, the latter making a brief stand against the torrent, only in the end to sink amidst the ruins of his projects and belongings.

Sutter disclosed his weakness in several ways. Although enjoining secrecy upon all concerned, and showing extreme fear lest the discovery should be known by those about him, the inconstant Swiss could not himself resist the temptation of telling it to his friends at a distance. Writing Vallejo the 10th of February, he says: "I have made a discovery of a gold mine, which, according to experiments we have made, is extraordinarily rich."[1] Moreover, not wholly satisfied with his Indian title, Sutter determined to despatch a messenger to Monterey, for the purpose of further securing the land to himself and Marshall through Colonel R. B. Mason, chief representative of the United States government in California. For this mission was chosen Charles Bennett, one of Marshall's associates, and standing next to him in intelligence and ability at the saw-mill. The messenger was instructed to say nothing about the discovery of gold, but to secure the land with mill, pasture, and mineral privileges, giving as a reason for including the last the appearance of lead and silver in the soil.[2] The man, however, was too weak for the purpose. With him in a buckskin bag he carried some six ounces of the secret, which, by the time he reached Benicia, became too heavy for him. There, in Pfister's store, hearing it said that coal had been found near Monte del Diablo, and that in consequence California would assume no small importance in the eyes of her new owners, Bennett could contain himself no longer. "Coal!" he exclaimed; "I have something here which will beat coal, and make this the greatest country in the world." Whereupon he produced his bag, and passed it around among his listeners.[3]

[1] The accomplished potentate writes every man in his own language, though his Spanish is not much better than his English. "Y he hecho un descubrimiento de mina de oro, q^{e} sigun hemos esperimentado es extraordinarimente rica.' *Vallejo, Docs*, MS., xii. 332.

[2] This on the authority of Bigler. *Diary of a Mormon*, MS., 66. Some say that Bennett held contracts with Marshall under Sutter. *Hunt's Mer. Mag.*, xx. 59; but for this there is no good authority. He set out for Monterey toward the middle of February.

[3] Several claim the honor of carrying the first gold beyond the precincts of

On reaching San Francisco Bennett heard of one Isaac Humphrey, who, among other things, knew something of gold-mining. He had followed that occupation in Georgia, but hardly expected his talents in that direction to be called in requisition in California. Bennett sought an introduction, and again brought forth his purse. Thus Sutter's secret was in a fine way of being kept! Humphrey at once pronounced the contents of the purse to be gold. At Monterey Mason declined to make any promise respecting title to lands,[4] and Bennett consoled himself for the failure of his mission by offering further glimpses of his treasure.

In order to prevent a spreading infection among his dependents, Sutter determined that so far as possible all communication with the saw-mill should for the present be stopped. Toward the latter end of February, however, he found it necessary to send thither provisions.[5] To a Swiss teamster, as a per-

the California Valley. Bidwell, *California 1841–8*, MS., 231, says he was the first to proclaim the news in Sonoma and S. F. 'I well remember Vallejo's words,' he writes, 'when I told him of the discovery and where it had taken place. He said, "As the water flows through Sutter's mill-race, may the gold flow into Sutter's purse."' This must have been after or at the time of Bennett's journey; I do not think it preceded it. Bidwell calls the chief ruler at Monterey Gov. Riley, instead of Col Mason; and if his memory is at fault upon so conspicuous a point, he might easily overlook the fact that Bennett preceded him. Furthermore, we have many who speak of meeting Bennett at S. F., and of examining his gold, but not one who mentions Bidwell's name in that connection. Sutter was adopting a singular course, certainly, to have his secret kept. Gregson, *Stat.*, MS., 8, thinks that the first gold was taken by McKinstry in Sutter's launch to S. F., and there delivered to Folsom. Such statements as the following, though made in good faith, amount to little in determining as to the first. That first seen or known by a person to him is first, notwithstanding another's first may have been prior to his. 'I saw the first gold that was brought down to S. F. It was in Howard & Mellus' store, and in their charge. It was in four-ounce vial, or near that size.' *Ayer's Personal Adv.*, MS., 2.

[4] Sherman, *Memoirs*, i. 40, states that this application was made by two persons, from which one might infer that Humphrey accompanied Bennett to Monterey. They there displayed 'about half an ounce of placer gold.' They presented a letter from Sutter, to which Mason replied 'that California was yet a Mexican province, simply held by us as a conquest; that no laws of the U. S. yet applied to it, much less the land laws or preëmption laws, which could only apply after a public survey.' See, further, *Buffum's Six Months in Gold Mines*, 68; *Bigler's Diary of a Mormon*, MS., 66; *Bidwell's California 1841–8*, MS., 231; *Browne's Min. Res.*, 14; *Hittell's Hist. S. F.*, 125. Gregson, *Stat.*, MS., says that Bennett died in Oregon.

[5] 'We had salt salmon and boiled wheat, and we, the discoverers of gold,

son specially reliable, this mission was intrusted. The man would indeed die rather than betray any secret of his kind countryman and master; but alas! he loved intoxication, that too treacherous felicity. Arrived at Coloma, the teamster encountered one of the Wimmer boys, who exclaimed triumphantly, "We have found gold up here." The teamster so ridiculed the idea that the mother at length became somewhat nettled, and to prove her son truthful, she not only produced the stuff, but gave some to the teamster. Returned to the fort, his arduous duty done, the man must have a drink. Often he had tried at Smith and Brannan's store to quench his thirst from the whiskey barrel, and pay for the same in promises. On this occasion he presented at the counter a bold front and demanded a bottle of the delectable, at the same time laying down the dust. "What is that?" asked Smith. "Gold," was the reply. Smith thought the fellow was quizzing him; nevertheless he spoke of it to Sutter, who finally acknowledged the fact.[6]

About the time of Bennett's departure Sutter's schooner went down the river, carrying specimens of the new discovery, and Folsom, the quartermaster in San Francisco, learned of the fact, informed, it is said, by McKinstry. Then John Bidwell went to the Bay and spread the news broadcast. Smith, store-keeper at the fort, sent word of it to his partner, Brannan; and thus by various ways the knowledge became general.

It was not long before the saw-mill society, which numbered among its members one woman and two

were living on that when gold was found, and we were suffering from scurvy afterward.' *Gregson's Statement*, MS., 9. An infliction this man might undergo almost anywhere, being, if like his manuscript, something of a scurvy fellow. Mark the 'we, the discoverers of gold,' before noticed. Gregson was not at the mill when gold was found.

[6] 'I should have sent my Indians,' groaned Sutter 28 years afterward. It seems that the gentle Swiss always found his beloved aboriginals far less treacherous than the white-skinned parasites. See *Sutter's Rem.*, MS., 171–3; *Inter Pocula*, this series; *Hutchings' Mag.*, ii. 196; *Dunbar's Romance of the Age*, 114–15.

boys, found the matter, in common with the others, too weighty for them. For a time affairs here proceeded much as usual. The men, who for the most part were honest and conscientious, had pledged their word to six weeks' work, and they meant to keep it. The idea of self-sacrifice, if any such arose, was tempered by the thought that perhaps after all there was but little gold, and that little confined within narrow limits; hence if they abandoned profitable service for an uncertainty, they might find themselves losers in the end. As a matter of course, they could have no conception of the extent and power of the spirit they had awakened. It was not necessary, however, that on Sundays they should resist the worship of Mammon, who was indeed now fast becoming the chief god hereabout.

The historic tail-race, where first in these parts became incarnate this deity, more potent presently than either Christ or Krishna, commanded first attention; indeed, for some time after gold had been found in other places, it remained the favorite picking-ground of the mill-men. Their only tools as yet were their knives, and with these from the seams and crevices each person managed to extract metal at the rate of from three to eight dollars a day. For the purpose of calculating their gains, they constructed a light pair of wooden scales, in which was weighed silver coin against their gold. Thus, a Mexican real de plata was balanced by two dollars' worth of gold, which they valued at sixteen dollars the ounce, less than it was really worth, but more than could be obtained for it in the mines a few months later. Gold-dust which balanced a silver quarter of a dollar was deemed worth four dollars, and so on.

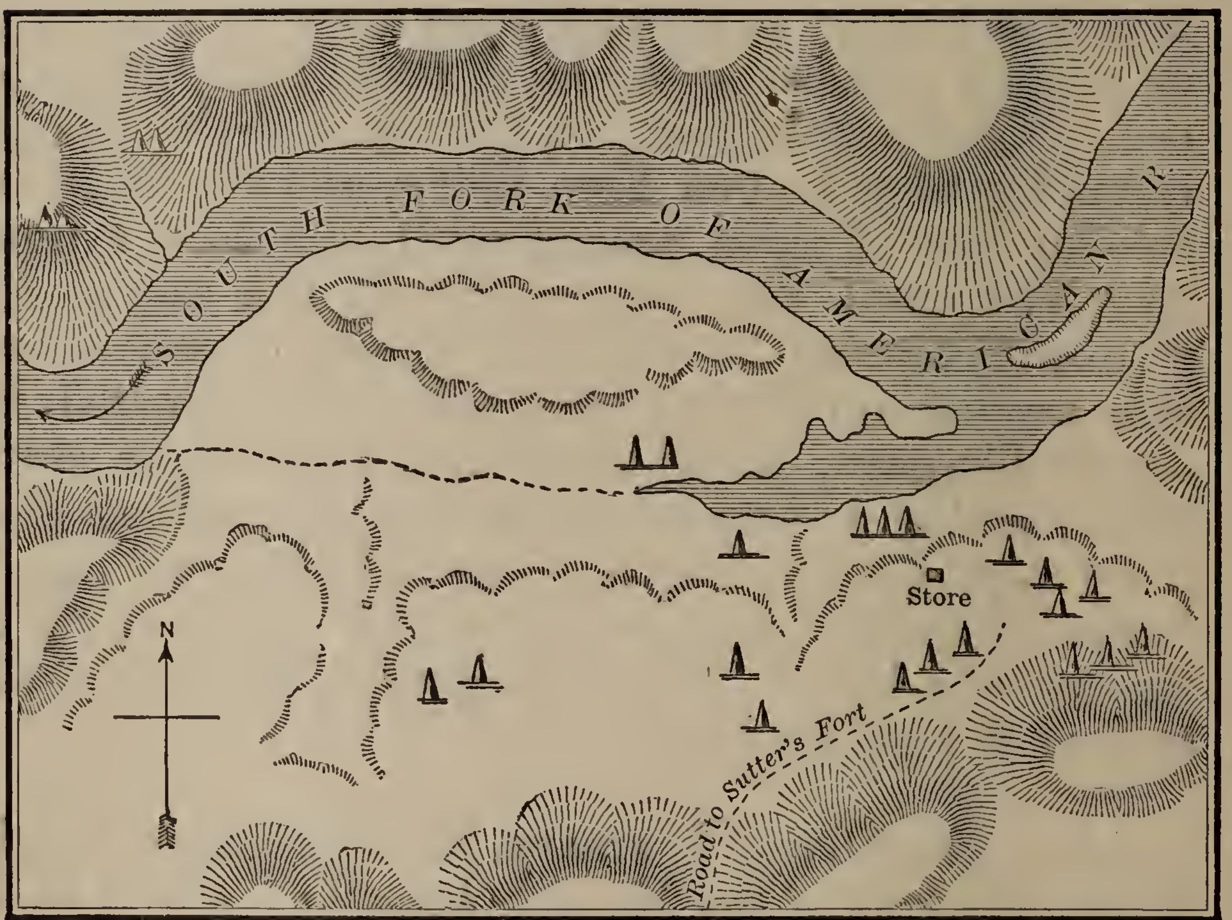
On the 6th of February, the second Sunday after Marshall's discovery, while the others were as usual busied in the tail-race, Henry Bigler and James Barger crossed the river, and from a bare rock opposite the mill, with nothing but their pocket-knives, ob-

tained together gold to the value of ten dollars. The Saturday following, Bigler descended the river half a mile, when, seeing on the other side some rocks left bare by a land-slide, he stripped and crossed. There, in the seams of the rocks, were particles of the precious stuff exposed to view, of which the next day he gathered half an ounce, and the Sunday following an ounce. Snow preventing work at the mill, on Tuesday, the 22d, he set out for the same place, and obtained an ounce and a half. Up to this time he had kept the matter to himself, carrying with him a gun on pretext of shooting ducks, in order to divert suspicion. Questioned closely on this occasion, he told his comrades what he had been doing, and the following Sunday five of them accompanied him to the same spot, and spent the day hunting in the sand. All were well rewarded. In the opposite direction success proved no less satisfactory. Accompanied by James Gregson, Marshall ascended the river three miles; and at a place which he named Live Oak Bar, if we may believe Gregson, they picked up with their fingers without digging a pint of gold, in pieces up to the size of a bean.[7] Thus was gradually enlarged the area of the gold-field

About the 21st of February, Bigler wrote to certain of his comrades of the Mormon battalion—Jesse Martin, Israel Evans, and Ephraim Green, who were at work on Sutter's flour-mill—informing them of the discovery of gold, and charging them to keep it secret, or to tell it to those only who could be trusted. The result was the arrival, on the evening of the 27th, of three men, Sidney Willis, Fiefield, and Wilford Hud-

[7] *Statement of James Gregson*, MS., passim. The author was an Englishman, who came to California in 1845 and engaged with Sutter as a whip-sawyer. Lumber then cost $30 a thousand at Sutter's Fort. He served in the war, and after the discovery of gold went to Coloma, accompanied by his wife. Throwing up his engagement with Marshall, he secured that year $3,000 in gold-dust. Sutter appears to have, in February, already set some Indians to pick gold round the mill. His claim to this ground was long respected.

son, who said they had come to search for gold. Marshall received them graciously enough, and gave them permission to mine in the tail-race. Accordingly, next morning they all went there, and soon Hudson picked up a piece weighing six dollars. Thus encouraged they continued their labors with fair success till the 2d of March, when they felt obliged to return to the flour-mill; for to all except Martin, their informant, they had intimated that their trip to



MORMON ISLAND.

the saw-mill was merely to pay a visit, and to shoot deer. Willis and Hudson followed the stream to continue the search for gold, and Fiefield, accompanied by Bigler, pursued the easier route by the road. On meeting at the flour-mill, Hudson expressed disgust at being able to show only a few fine particles, not more than half a dollar in value, which he and his companion had found at a bar opposite a little island, about half-way down the river. Nevertheless the disease worked its way into the blood of other Mor-

mon boys, and Ephraim Green and Ira Willis, brother of Sidney Willis, urged the prospectors to return, that together they might examine the place which had shown indications of gold. It was with difficulty that they prevailed upon them to do so. Willis and Hudson, however, finally consented; and the so lately slighted spot presently became famous as the rich Mormon Diggings, the island, Mormon Island, taking its name from these battalion boys who had first found gold there.

It is told elsewhere how the Mormons came to California, some in the ship *Brooklyn*, and some as a battalion by way of Santa Fé, and how they went hence to the Great Salt Lake, part of them, however, remaining permanently or for a time nearer the seaboard. I will only notice here, amidst the scenes now every day becoming more and more absorbing, bringing to the front the strongest passions in man's nature, how at the call of what they deemed duty these devotees of their religion unhesitatingly laid down their wealth-winning implements, turned their back on what all the world was just then making ready with hot haste and mustered strength to grasp at and struggle for, and marched through new toils and dangers to meet their exiled brethren in the desert.

It will be remembered that some of the emigrants by the *Brooklyn* had remained at San Francisco, some at New Helvetia, while others had settled on the Stanislaus River and elsewhere. A large detachment of the late Mormon battalion, disbanded at Los Angeles, was on its way to Great Salt Lake, when, arriving at Sutter's Fort, the men stopped to work a while, no less to add a little to their slender store of clothing and provisions than to await a better season for the perilous journey across the mountains. It was while thus employed that gold had been discovered. And now, refreshed and better fitted, as spring approached their minds once more turned toward the original pur-

pose. They had promised Sutter to stand by him and finish the saw-mill; this they did, starting it running on the 11th of March. Henry Bigler was still there.

On the 7th of April Bigler, Stephens, and Brown presented themselves at the fort to settle accounts with Sutter, and discuss preliminaries for their journey with their comrades. The 1st of June was fixed upon for the start. Sutter was to be informed of their intention, that he might provide other workmen. Horses, cattle, and seeds were to be bought from him; also two brass cannon. Three of their number had to precede to pioneer a route; eight men were ready to start as an overland express to the States, as the loved land east of the Mississippi was then called. It was not, however, until about a month later that the Mormons could move, for the constantly increasing gold excitement disarranged their plans and drew from their numbers.

In the mean time the thrifty saints determined to improve the opportunity, that they might carry to their desert rest as much of the world's currency as possible. On the 11th of April, Bigler, Brown, and Stephens set out on their return to Coloma, camping fifteen miles above the flouring mill, on a creek. In the morning they began to search for gold and found ten dollars' worth. Knowing that others of their fraternity were at work in that vicinity, they followed the stream upward and came upon them at Mormon Island, where seven had taken out that day $250.[8] No little encouragement was added by this hitherto unparalleled yield, due greatly to an improvement in method by washing the dust-speckled earth in Indian baskets and bowls, and thus sifting out also finer particles. Under an agreement to divide the product of

[8] The seven men were Sidney Willis and Wilford Hudson, who had first found gold there, Ira Willis, Jesse B. Martin, Ephraim Green, Israel Evans, and James Sly. In regard to the names of the last two Bigler is not positive. *Diary of a Mormon*, MS., 76. See also *Mendocino Democrat*, Feb. 1, 1872; *Hittell's Mining*, 14; *Sherman's Mem.*, i. 51; *Gold Dis.*, *Account by a Mormon*, in *Hayes' Cal. Mining*, iii. 8; *Oregon Bulletin*, Jan. 12, 1872; *Antioch Ledger*, Feb. 3, 1872; *Findla's Stat.*, MS., 6; *Ross' Stat.*, MS., 14.

their labor with Sutter and Marshall, who furnished tools and provisions, Bigler and his associates mined for two months, one mile below the saw-mill.[9] They stopped in the midst of their success, however, and tearing themselves away from the fascination, they started on June 17th in search of a suitable rendezvous, where all the saints might congregate prior to beginning their last pilgrimage across the mountains. They found such a spot the next day, near where Placerville now stands, calling it Pleasant Valley. Parties arrived one after another, some driving loose horses into a prepared timber corral, others swelling the camp with wagons, cattle, and effects; and so the gathering continued till the 3d of July, when a general move was made. As the wagons rolled up along the divide between the American River and the Cosumnes on the national 4th, their cannon thundered independence before the high Sierra. It was a strange sight, exiles for their faith thus delighting to honor the power that had driven them as outcasts into the wilderness.

The party consisted of forty-five men and one woman, the wife of William Coory. It was by almost incredible toil that these brave men cut the way for their wagons, lifted them up the stony ascents, and let them down the steep declivities. Every step added to the danger, as heralded by the death of the three pioneers, Daniel Browett, Ezra H. Allen, and Henderson Cox, who were found killed by the Indians of the Sierra. And undaunted, though sorrowful, and filled with many a foreboding, the survivors descended the eastern slope and wended their way through the thirsty desert; and there we must leave them and return to our gold-diggers.

[9] 'Having an understanding with Mr Marshall to dig on shares...so long as we worked on his claims or land.' *Bigler, Diary of a Mormon*, MS., 75. A Mormon writing in the *Times and Transcript* says: 'They undertook to make us give them half the gold we got for the privilege of digging on their land. This was afterward reduced to one third, and in a few weeks was given up altogether.' Mrs Wimmer states that Sutter and Marshall claimed thirty per cent of the gold found on their grant; Brannan for a time secured

CHAPTER IV.

PROXIMATE EFFECT OF THE GOLD DISCOVERY.

MARCH–AUGUST, 1848.

THE PEOPLE SCEPTICAL AT FIRST—ATTITUDE OF THE PRESS—THE COUNTRY CONVERTED BY A SIGHT OF THE METAL—THE EPIDEMIC AT SAN FRANCISCO—AT SAN JOSÉ, MONTEREY, AND DOWN THE COAST—THE EXODUS—DESERTION OF SOLDIERS AND SAILORS—ABANDONMENT OF BUSINESS, OF FARMS, AND OF ALL KINDS OF POSITIONS AND PROPERTY.

As when some carcass, hidden in sequestered nook, draws from every near and distant point myriads of discordant vultures, so drew these little flakes of gold the voracious sons of men. The strongest human appetite was aroused—the sum of appetites—this yellow dirt embodying the means for gratifying love, hate, lust, and domination. This little scratch upon the earth to make a backwoods mill-race touched the cerebral nerve that quickened humanity, and sent a thrill throughout the system. It tingled in the ear and at the finger-ends; it buzzed about the brain and tickled in the stomach; it warmed the blood and swelled the heart; new fires were kindled on the hearth-stones, new castles builded in the air. If Satan from Diablo's peak had sounded the knell of time; if a heavenly angel from the Sierra's height had heralded the millennial day; if the blessed Christ himself had risen from that ditch and proclaimed to all mankind amnesty—their greedy hearts had never half so thrilled.

The effect of the gold discovery could not be long confined to the narrow limits of Sutter's domain. The

information scattered by the Swiss and his dependents had been further disseminated in different directions by others. Nevertheless, while a few like Humphrey, the Georgia miner, responded at once to the influence, as a rule little was thought of it at first, particularly by those at a distance. The nature and extent of the deposits being unknown, the significance or importance of the discovery could not be appreciated. It was not uncommon at any time to hear of gold or other metals being found here, there, or anywhere, in America, Europe, or Asia, and nothing come of it. To emigrants, among other attractions, gold had been mentioned as one of the possible or probable resources of California; but to plodding agriculturists or mechanics the idea of searching the wilderness for gold would have been deemed visionary, or the fact of little moment that some one somewhere had found gold.[1] When so intelligent a man as Semple at Benicia was told of it he said, "I would give more for a good coal mine than for all the gold mines in the universe." At Sonoma, Vallejo passed the matter by with a piece of pleasantry.

The first small flakes of gold that Captain Folsom examined at San Francisco he pronounced mica; he did not believe a man who came down some time after with twenty ounces when he claimed to have gathered it in eight days. Some time in April Folsom wrote to Mason at Monterey, making casual mention of the existing rumor of gold on the Sacramento. In May Bradley, a friend of Folsom's, went to Monterey, and was asked by Mason if he knew anything of this gold discovery on the American River. "I have heard of

[1] 'The people here did not believe it,' says Findla, 'they thought it was a hoax. They had found in various places about S. F., notably on Pacific Street, specimens of different minerals, gold and silver among them, but in very small quantities; and so they were not inclined to believe in the discovery at Sutter's mill.' Gillespie testifies to the same. He did not at all credit the story. Three samples in quills and vials were displayed before the infection took in the town. *Gillespie's Vig. Com.*, MS., 4; *Findla's Stat.*, MS., 4-6; *Willey's Thirty Years*, 19-20.

it," replied Bradley. "A few fools have hurried to the place, but you may be sure there is nothing in it."

On Wednesday, the 15th of March, the *Californian*, one of the two weekly newspapers then published at San Francisco, contained a brief paragraph to the effect that gold had been discovered in considerable quantities at Sutter's saw-mill.[2] The editor hazarded the remark that California was probably rich in minerals. On the following Saturday the other weekly paper, the *California Star*, mentioned, without editorial comment, that gold had been found forty miles above Sutter's Fort.

The items, if noticed at all, certainly created no excitement. Little if any more was thought of gold probabilities than those of silver, or quicksilver, or coal, and not half as much as of agriculture and fruit-growing.[3] This was in March.

In April a somewhat altered tone is noticed in according greater consideration to the gold discoveries.[4]

[2] This, the first printed notice of the discovery, ran as follows: 'Gold mine found. In the newly made raceway of the saw-mill recently erected by Captain Sutter on the American fork, gold has been found in considerable quantities. One person brought thirty dollars' worth to New Helvetia, gathered there in a short time. California no doubt is rich in mineral wealth; great chances here for scientific capitalists. Gold has been found in every part of the country.'

[3] The editor of the *Star*, writing the 25th of March, says: 'A good move it would be for all property holders in the place, who have no very settled purpose of improving the town, and distant ideas of rare chances at speculation, to employ upon their unoccupied lands some few of our liquor-house idlers, and in the process of ploughing, harrowing, hoeing, and planting it is not idle to believe some hidden treasure would be brought out. Some silver mines are wanted in this vicinity, could they be had without experiencing the ill effects following in the train of their discovery. Monterey, our capital, rests on a bed of quicksilver, so say the cute and knowing. We say if we can discover ourselves upon a bed of silver we, for our single self, shall straightway throw up the pen and cry aloud with Hood: 'A pickaxe or a spade.' On the same date he says: 'So great is the quantity of gold taken from the mine recently found at New Helvetia that it has become an article of traffic in that vicinity.'

[4] Fourgeaud, in a serial article on 'The Prospects of California,' writes in the *Star* the 1st of April: 'We saw, a few days ago, a beautiful specimen of gold from the mine newly discovered on the American fork. From all accounts the mine is immensely rich, and already we learn that gold from it, collected at random and without any trouble, has become an article of trade at the upper settlements. This precious metal abounds in this country. We have heard of several other newly discovered mines of gold, but as these reports are not yet authenticated, we shall pass over them. However, it is well known that there is a placero of gold a few miles from the Ciudad de los An-

Yet the knowing ones are backward about committing themselves; and when overcome by curiosity to see the mines, they pretend business elsewhere rather than admit their destination. Thus E. C. Kemble, editor of the *Star*, announces on the 15th his intention to "ruralize among the rustics of the country for a few weeks." Hastening to the mines he makes his observations, returns, and in jerky diction flippantly remarks: "Great country, fine climate; visit this great valley, we would advise all who have not yet done so. See it now. Full-flowing streams, mighty timber, large crops, luxuriant clover, fragrant flowers, gold and silver." This is all Mr Kemble says of his journey in his issue of the 6th of May, the first number after his return. Whether he walked as one blind and void of intelligence, or saw more than his interests seemingly permitted him to tell, does not appear.

There were men, however, more observant and outspoken than the astute editor, some of whom left town singly, or in small parties of seldom more than two or three. They said little, as if fearing ridicule, but crossed quietly to Sauzalito, and thence took the direction of Sonoma and Sutter's Fort. The mystery of the movement in itself proved an incentive, to which accumulating reports and specimens gave intensity, till it reached a climax with the arrival of several well-laden diggers, bringing bottles, tin cans, and buckskin bags filled with the precious metal, which their owners

geles, and another on the San Joaquin.' In another column of the same issue we read that at the American River diggings the gold 'is found at a depth of three feet below the surface, and in a strata of soft sand-rock. Explorations made southward to the distance of twelve miles, and to the north five miles, report the continuance of this strata and the mineral equally abundant. The vein is from twelve to eighteen feet in thickness. Most advantageously to this new mine, a stream of water flows in its immediate neighborhood, and the washing will be attended with comparative ease.' These, and the two items already alluded to in the *Star* of the 18th and 25th of March, are the only notices in this paper of the diggings prior to the 22d of April, when it states: 'We have been informed, from unquestionable authority, that another still more extensive and valuable gold mine has been discovered towards the head of the American fork, in the Sacramento Valley. We have seen several specimens taken from it, to the amount of eight or ten ounces of pure virgin gold.' The *Californian* said even less on the subject during the same period.

treated with a familiarity hitherto unknown in these parts to such worshipful wealth. Among the comers was Samuel Brannan, the Mormon leader, who, holding up a bottle of dust in one hand, and swinging his hat with the other, passed along the street shouting, "Gold! Gold! Gold from the American River!"[5]

This took place in the early part of May. The conversion of San Francisco was complete. Those who had hitherto denied a lurking faith now unblushingly proclaimed it; and others, who had refused to believe even in specimens exhibited before their eyes, hesitated no longer in accepting any reports, however exaggerated, and in speeding them onward duly magnified.[6] Many were thrown into a fever of excitement,[7] and all yielded more or less to the subtle influence of

[5] 'He took his hat off and swung it, shouting aloud in the streets.' *Bigler's Diary*, MS., 79. Evans in the *Oregon Bulletin* makes the date 'about the 12th of May.' See also *Findla's Stat.*, MS., 4–6; *Ross' Stat.*, MS., 12; *N. Helv. Diary*, passim. Gillespie, *Vig. Com.*, MS., 4, refers to three samples seen by him, the third 'was a whole quinine-bottle full, which set all the people wild.'

[6] By the 10th of June the sapient sceptic, Kemble, turned completely around in expressing his opinion, denying that he had ever discouraged, not to say denounced, 'the employment in which over two thirds of the white population of this country are engaged.' But it was too late to save either his reputation or his journal. There were not wanting others still to denounce in vain and loudly all mines and miners. 'I doubt, sir,' one exclaims, in the *Californian*, 'if ever the sun shone upon such a farce as is now being enacted in California, though I fear it may prove a tragedy before the curtain drops. I consider it your duty, Mr Editor, as a conservator of the public morals and welfare, to raise your voice against the thing. It is to be hoped that General Mason will despatch the volunteers to the scene of action, and send these unfortunate people to their homes, and prevent others from going thither.' This man quickly enough belied a wisdom which led him unwittingly to perform the part of heavy simpleton in the drama. Dunbar, *Romance of the Age*, 102, with his usual accuracy, places this communication in the *Alta California*, May 24, 1848—impossible, from the fact that on that day no paper was issued in California, and the *Alta* never saw the light until the following January.

[7] Carson, *Rec.*, 4, who for a long time had rejected all reports, was finally convinced by a returning digger, who opened his well-filled bag before him. 'I looked on for a moment;' he writes, 'a frenzy seized my soul; unbidden my legs performed some entirely new movements of polka steps—I took several—houses were too small for me to stay in; I was soon in the street in search of necessary outfits; piles of gold rose up before me at every step; castles of marble, dazzling the eye with their rich appliances; thousands of slaves bowing to my beck and call; myriads of fair virgins contending with each other for my love—were among the fancies of my fevered imagination. The Rothschilds, Girards, and Astors appeared to me but poor people; in short, I had a very violent attack of the gold fever.' For further particulars, see *Larkin's Doc.*, MS., iv. passim.

the malady.[8] Men hastened to arrange their affairs, dissolving partnerships, disposing of real estate, and converting other effects into ready means for departure. Within a few days an exodus set in that startled those who had placed their hopes upon the peninsular metropolis.[9] "Fleets of launches left this place on Sunday and Monday," exclaims Editor Kemble, "closely stowed with human beings...Was there ever anything so superlatively silly?"[10] But sneers, expostulations, and warnings availed not with a multitude so possessed.

The nearest route was naturally sought—by water up the Bay into the Sacramento, and thence where fortune beckoned. The few available sloops, lighters, and nondescript craft were quickly engaged and filled for the mines. Many who could not obtain passage in the larger vessels sold all their possessions, when necessary, and bought a small boat;[11] every little rickety cockleshell was made to serve the purpose; and into these they bundled their effects, set up a sail, and steered for Carquines Strait. Then there were two routes by land: one across to Sauzalito by launch, and thence by mule, mustang, or on foot, by way of San Rafael and Sonoma, into the California Valley; and the other round the southern end of the Bay and through Livermore Pass.

[8] Brooks writes in his diary, under date of May 10th: 'Nothing has been talked of but the new gold placer, as people call it.' 'Several parties, we hear, are already made up to visit the diggings.' May 13th: 'The gold excitement increases daily, as several fresh arrivals from the mines have been reported at San Francisco.' *Four Months among the Gold-finders*, 14–15.

[9] 'Several hundred people must have left here during the last few days,' writes Brooks in his diary, under date of May 20th. 'In the month of May it was computed that at least 150 people had left S. F., and every day since was adding to their number.' *Annals S. F.*, 203. The census taken the March previous showed 810, of whom 177 were women and 60 children; so that 150 would be over one fourth of the male population. See also letter of Bassham to Cooper, May 15th, in *Vallejo, Doc.*, MS., xxxv. 47. Those without means have only to go to a merchant and borrow from $1,000 to $2,000, and give him an order on the gold mines, is the way Coutts, *Diary*, MS., 113, puts it.

[10] *Cal. Star*, May 20, 1848. Kemble, who is fast coming to grief, curses the whole business, and pronounces the mines 'all sham, a supurb (sic) take-in as was ever got up to guzzle the gullible.'

[11] 'Little row-boats, that before were probably sold for $50, were sold for $400 or $500.' *Gillespie, Vig. Com.*, MS., 3.

Roads there were none save the trails between larger settlements. With the sun for compass, and mountain peaks for finger-posts, new paths were marked across the trackless plains and through the untrodden woods. Most of the gold-seekers could afford a horse, and even a pack-animal, which was still to be had for fifteen dollars,[12] and thus proceed with greater speed to the goal, to the envy of the number that had to content themselves with wagons, which, though white-covered and snug, with perhaps a family inside, were cumbersome and slow, especially when drawn by oxen. Often a pedestrian was passed trudging along under his load, glad to get his effects carried across the stream by some team, although he himself might have to breast the current swimming, perchance holding to the tail of some horse. There were ferries only at rare points. Charles L. Ross[13] had left for the mines the last of April, by way of Alviso, and crossed the strait of Carquines by Semple's ferry at Martinez. At this time he was the only person on the boat. When he returned, less than a fortnight after, there were 200 wagons on their way to the foothills, waiting their turn to cross at the ferry.[14]

In the general eagerness personal comfort became

[12] One rider rented his animals at the mines for $100 per week. Brooks crossed to Sauzalito with four companions who were attended by an Indian servant to drive their six horses laden with baggage and camp equipments. Vallejo, *Hist. Cal.*, MS., iv., points out that Sonoma reaped benefit as a way-station.

[13] *Experiences of a Pioneer of 1847 in California*, by Charles L. Ross, is the title of a manuscript written at the dictation of Mr Ross by my stenographer, Mr Leighton, in 1878. Mr Ross left New Jersey in Nov. 1846, passed round Cape Horn in the bark *Whiton*, arriving in Cal. in April 1847. The very interesting information contained in this manuscript is all embodied in the pages of this history.

[14] 'They having collected there in that short time—men, women, and children, families who had left their homes, and gathered in there from down the coast. They had organized a committee, and each man was registered on his arrival, and each took his turn in crossing. The boat ran night and day, carrying each time two wagons and horses and the people connected with them. Some of them had to camp there quite a while. After a time somebody else got a scow and started another ferry, and they got across faster.' *Ross' Experiences*, MS., 11-12. 'Semple obtains from passengers some $20 per day, and has not a single boatman to help him. Only one man has offered to remain, and he only for two weeks at $25 a week.' Letter of Larkin to Mason from San José, May 26, 1848, in *Doc. Hist. Cal.*, MS.

of secondary consideration. Some started without a dollar, or with insufficient supplies and covering, often to suffer severely in reaching the ground; but once there they expected quickly to fill their pockets with what would buy the services of their masters, and obtain for them abundance to eat. Many were fed while on the way as by the ravens of Midas; for there were few in California then or since who would see a fellow-being starve. But if blankets and provisions were neglected, none overlooked the all-important shovel, the price for which jumped from one dollar to six, ten, or even more,[15] and stores were rummaged for pick-axes, hoes, bottles, vials, snuff-boxes, and brass tubes, the latter for holding the prospective treasure.[16]

Through June the excitement continued, after which there were few left to be excited. Indeed, by the middle of this month the abandonment of San Francisco was complete; that is to say, three fourths of the male population had gone to the mines. It was as if an epidemic had swept the little town so lately bustling with business, or as if it was always early morning there. Since the presence of United States forces San Francisco had put on pretensions, and scores of buildings had been started. "But now," complains the *Star*, the 27th of May, "stores are closed and places of business vacated, a large number of houses tenantless, various kinds of mechanical labor suspended or given up entirely, and nowhere the pleasant hum of industry salutes the ear as of late; but as if a curse had arrested our onward course of enterprise, everything wears a desolate and sombre look, everywhere all is dull, monotonous, dead."[17]

[15] 'I am informed $50 has been offered for one,' writes Larkin on June 1st.

[16] 'Earthen jars and even barrels have been put in requisition,' observes the *Californian* of Aug. 5th.

[17] The following advertisement appears in this issue: 'The highest market price will be paid for gold, either cash or merchandise, by Mellus & Howard, Montgomery street.' Again, by the same firm goods were offered for sale 'for cash, hides and tallow, or placera gold.' *Cal. Star*, May 27, 1848. Of quite a different character was another notice in the same issue. 'Pay up before you go—everybody knows where,' the editor cries. 'Papers can be forwarded to Sutter's Fort with all regularity. But pay the printer, if you

Real estate had dropped one half or more, and all merchandise not used in the mines declined, while labor rose tenfold in price.[18]

Spreading their valedictions on fly-sheets, the only two journals now faint dead away, the *Californian* on the 29th of May, and the *Star* on the 14th of June. "The whole country from San Francisco to Los Angeles," exclaimed the former, "and from the seashore to the base of the Sierra Nevada, resounds to the sordid cry of *gold!* GOLD!! GOLD!!! while the field is left half planted, the house half built, and everything neglected but the manufacture of shovels and pickaxes, and the means of transportation to the spot where one man obtained $128 worth of the real stuff in one day's washing, and the average for all concerned is $20 per diem." Sadly spoke Kemble, he who visited the gold mines and saw nothing, he to whom within four weeks the whole thing was a sham, a superlatively silly sham, groaning within and without, but always in very bad English, informing the world that his paper "could not be made by magic, and the labor of mechanism was as essential to its existence as to all other arts;" and as neither men nor devils

please, all you in arrears.' See also *Findla's Stat.*, MS., 4–6. After quite a busy life, during which he gained some prominence as editor of the *Star and Californian* and the *Alta California*, and later as government official and newspaper correspondent, Kemble died at the east the 10th of Feb. 1886. He was a man highly esteemed in certain circles.

[18] Pay the cost of the house, and the lot would be thrown in. On the fifty-vara corner Pine and Kearny streets was a house which had cost $400 to build; both house and lot were offered for $350. *Ross' Ex.*, MS., 12; *Larkin's Doc.*, MS., vi., 144. On the door of a score of houses was posted the notice, 'Gone to the Diggings!' From San José Larkin writes to the governor, 'The improvement of Yerba Buena for the present is done.' Letter, May 26th, in *Larkin's Doc. Hist. Cal.*, MS., vi. 74. Even yet the name San Francisco has not become familiar to those accustomed to that of Yerba Buena. See also *Brooks' Four Months*, in which is written, under date of May 17th: 'Work-people have struck. Walking through the town to-day I observed that laborers were employed only upon half a dozen of the fifty new buildings which were in the course of being run up.' May 20th: 'Sweating tells me that his negro waiter has demanded and receives ten dollars a day.' Larkin, writing from S. F. to Secretary Buchanan, June 1st, remarks that 'some parties of from five to fifteen men have sent to this town and offered cooks $10 to $15 a day for a few weeks. Mechanics and teamsters, earning the year past $5 to $8 per day, have struck and gone...A merchant lately from China has even lost his Chinese servant.'

could be kept to service, the wheels of progress here must rest a while.

So also came to an end for a time the sittings of the town council, and the services of the sanctuary, all having gone after other gods. All through the Sundays the little church on the plaza was silent, and all through the week days the door of Alcalde Townsend's office remained locked. As for the shipping, it was left to the anchor, even this dull metal sometimes being inconstant. The sailors departing, captain and officers could only follow their example. One commander, on observing the drift of affairs, gave promptly the order to put to sea. The crew refused to work, and that night gagged the watch, lowered the boat, and rowed away. In another instance the watch joined in absconding. Not long afterward a Peruvian brig entered the bay, the first within three weeks. The houses were there, but no one came out to welcome it. At length, hailing a Mexican who was passing, the captain learned that everybody had gone northward, where the valleys and mountains were of gold. On the instant the crew were off.[19]

[19] So run these stories. *Ferry, Cal.*, 306–13. The captain who sought to put to sea commanded the *Flora*, according to a letter in June of a merchant. *Robinson's Gold Regions*, 29–30; *Revere's Tour of Duty*, 254. One of the first vessels to be deserted was a ship of the Hudson's Bay Company lying at anchor in the bay; the sailors departing, the captain followed them, leaving the vessel in charge of his wife and daughter. McKinstry, in the *Lancaster Examiner*. Loud complaints appear in the *Californian*, Sept. 5, 1848; every ship loses most of her crew within forty-eight hours after arrival. See *Brackett, U. S. Cavalry*, 125–7. The first steamship, the *California*, arriving Feb. 28, 1849, was immediately deserted by her crew; Forbes asked Jones of the U. S. squadron for men to take charge of the ship, but the poor commodore had none. *Crosby's Stat.*, MS., 12; *Annals S. F.*, 220; *First Steamship Pioneers*, 124. To prevent desertion, the plan was tried of giving sailors two months' furlough; whereby some few returned, but most of them preferred liberty, wealth, and dissipation to the tyranny of service. *Swan's Trip to the Gold Mines*, in *Cal. Pioneers*, MS., no. 49. Some Mexicans arriving, and finding the town depopulated of its natural defenders, broke into vacant houses and took what they would. *The Digger's Hand-Book*, 53. See also the *Californian*, Aug. 4, 1848; George McKinstry, in *Lancaster Examiner; Stockton Ind.*, Oct. 19, 1875; *Barstow's Stat.*, MS., 3–4; *Sac. Ill.*, 7; *Forbes' Gold Region*, 17–18; *Tuthill's Cal.*, 235–44; *Three Weeks in Gold Mines*, 4; *Canon's Early Rec.*, 3–4; *Lants, Kal.*, 24–31; *Hayes' Col. Cal. Notes*, v. 85; *Revue des Deux Mondes*, Feb. 1, 1849, 469; *Quarterly Review*, no. 91, 1852, 508; *Hittell's Mining*, 17; *Brooks' Four Months*, 18; *Overland Monthly*, xi. 12–13; *Ryan's Judges and Crim.*, 72–7; *Am. Quat. Reg.*, ii. 288–95, giving the reports of Larkin,

Other towns and settlements in California were no less slow than San Francisco to move under the new fermentation. Indeed, they were more apathetic, and were finally stirred into excitement less by the facts than by the example of the little metropolis. Yet the Mexicans were in madness no whit behind the Americans, nor the farmers less impetuous than townsmen when once the fury seized them. May had not wholly passed when at San José the merchant closed his store, or if the stock was perishable left open the doors that people might help themselves, and incontinently set out upon the pilgrimage. So the judge abandoned his bench and the doctor his patients; even the alcalde dropped the reins of government and went away with his subjects.[20] Criminals slipped their fetters and

Mason, Jones, and Paymaster Rich on gold excitement; *Willey's Decade Sermons*, 12–17; *Gleason's Cath. Church*, ii. 175–93; *Sherman's Memoirs*, i. 46–9; *S. F. Directory*, 1852–3, 8–9; *S. I. News*, ii. 142–8, giving the extract of a letter from S. F., May 27th; *Vallejo Recorder*, March 14, 1848; *Cal. Past and Present*, 77; *Gillespie's Vig. Com.*, MS., 3–4; *Findla's Stat.*, MS., 4–6. The *Californian* newspaper revived shortly after its suspension in May.

[20] The alguacil, Henry Bee, had ten Indian prisoners under his charge in the lock-up, two of them charged with murder. These he would have turned over to the alcalde, but that functionary had already taken his departure. Bee was puzzled how to dispose of his wards, for though he was determined to go to the mines, it would never do to let them loose upon a community of women and children. Finally he took all the prisoners with him to the diggings, where they worked contentedly for him until other miners, jealous of Bee's success, incited them to revolt. By that time, however, the alguacil had made his fortune. So goes the story. *San José Pioneer*, Jan. 27, 1877. Writing Mason the 26th of May from San José, Larkin says: 'Last night several of the most respectable American residents of this town arrived home from a visit to the gold regions; next week they with their families, and I think nine tenths of the foreign store-keepers, mechanics, and day-laborers of this place, and perhaps of San Francisco, leave for the Sacramento.' West, a stable-keeper, had two brothers in the mines, who urged him at once to hasten thither and bring his family. 'Burn the barn if you cannot dispose of it otherwise,' they said. C. L. Ross writes from the mines in April, *Experiences from 1847*, MS.: 'I found John M. Horner, of the mission of San José, who told me he had left about 500 acres of splendid wheat for the cattle to roam over at will, he and his family having deserted their place entirely, and started off for the mines.' J. Belden, Nov. 6th, writes Larkin from San José: 'The town is full of people coming from and going to the gold mines. A man just from there told me he saw the governor and Squire Colton there, in rusty rig, scratching gravel for gold, but with little success.' *Larkin's Doc.*, MS., vi. 219. And so in the north. Semple, writing Larkin May 19th, says that in three days there would not be two men left in Benicia; and Cooper, two days later, declared that everybody was leaving except Brant and Semple. *Larkin's Doc.*, MS., vi. 111, 116; *Vallejo, Doc.*, MS., xii. 344. From Sonoma some one wrote in the *Californian*, Aug. 5th, that the town was wellnigh depopulated. 'Not a laboring man or

hastened northward; their keepers followed in pursuit, if indeed they had not preceded, but they took care not to find them. Soldiers fled from their posts; others were sent for them, and none returned. Valuable land grants were surrendered, and farms left tenantless; waving fields of grain stood abandoned, perchance opened to the roaming cattle, and gardens were left to run to waste. The country seemed as if smitten by a plague.[21]

All along down the coast from Monterey to Santa Bárbara, Los Angeles, and San Diego, it was the same. Towns and country were wellnigh depopulated. There the fever raged fiercest during the three summer months. At the capital a letter from Larkin gave the impulse, and about the same time, upon the statement of Swan, four Mormons called at Monterey en route for Los Angeles, who were reported to carry 100 pounds avoirdupois of gold gathered in less than a month at Mormon Island. This was in June. A fortnight after the town was depopulated, 1,000 starting from that vicinity within a week.[22] At San Fran-

mechanic can be obtained in town.' Vallejo says that the first notice of gold having been discovered was conveyed to Sonoma through a flask of gold-dust sent by Sutter to clear a boat-load of wheat which had been forwarded in part payment for the Ross property, but lay seized for debt at Sonoma. 'Gov. Boggs, then alcalde of Sonoma, and I,' says Vallejo, 'started at once for Sacramento to test the truth of the report, and found that Sutter, Marshall, and others had been taking out gold for some time at Coloma... We came back to Sonoma, and such was the enthusiasm of the people that the town and entire country was soon deserted.' *Vallejo's Oration at Sonoma*, July 4, 1876, in *Sonoma Democrat*, July 8, 1876. The general evidently forgets, or at all events ignores, the many rumors current prior to the reception of the flask, as well as the positive statement with proofs of friends and passers-by.

[21] Such is Mason's report. María Antonia Pico de Castro, announcing from Monterey to her son Manuel in Mexico the grand discovery, says that everybody is crazy for the gold; meanwhile stock is comparatively safe from thieves, but on the other hand hides and tallow are worth nothing. *Doc. Hist. Cal.*, MS., i. 505. At Santa Cruz A. A. Hecox and eleven others petitioned the alcalde the 30th of Dec. for a year's extension of time in complying with the conditions of the grants of land obtained by them according to the usual form. Under the pressure of the gold excitement labor had become so scarce and high that they found it impossible to have lumber drawn for houses and fences. The petition was granted.

[22] *Swan's Trip*, 1-3; *Buffum's Six Months*, 68; *Carson's Rec.*, 4. 'One day,' says Carson, who was then at Monterey, 'I saw a form, bent and filthy, approaching me, and soon a cry of recognition was given between us. He was an old acquaintance, and had been one of the first to visit the mines. Now he stood before me. His hair hung out of his hat; his chin with beard was

cisco commerce had been chiefly affected; here it was government that was stricken. Mason's small force was quickly thinned; and by the middle of July, if we may believe the Reverend Colton, who never was guilty of spoiling a story by too strict adherence to truth, the governor and general-in-chief of California was cooking his own dinner.[23]

In a proclamation of July 25th, Colonel Mason called on the people to assist in apprehending deserters. He threatened the foothills with a dragoon force; but whence were to come the dragoons? The officers were as eager to be off as the men; many of them obtained leave to go, and liberal furloughs were granted to the soldiers, for those who could not obtain leave went without leave. As the officers who remained could no longer afford to live in their accustomed way, a cook's wages being $300 a month, they were allowed to draw rations in kind, which they exchanged for board in private families.[24] But even

black, and his buckskins reached to his knees.' The man had a bag of gold on his back. The sight of its contents started Carson on his way at once. In May Larkin had prophesied that by June the town would be without inhabitants. June 1st Mason at Monterey wrote Larkin at S. F.: 'The golden-yellow fever has not yet, I believe, assumed here its worst type, though the premonitory symptoms are beginning to exhibit themselves, and doubtless the epidemic will pass over Monterey, leaving the marks of its ravages, as it has done at S. F. and elsewhere. Take care you don't become so charged with its malaria as to inoculate and infect us all when you return.' Jackson McDuffee, addressing Larkin on the same date, says: 'Monterey is very dull, nothing doing, the gold fever is beginning to take a decided effect here, and a large party will leave for the Sacramento the last of the week. Shovels, spades, picks, and other articles wanted by these wild adventurers are in great demand.' Schallenberger on the 8th of June tells Larkin that 'a great many are leaving Monterey. Times duller than when you left.' In Sept. there was not a doctor in the town, and Mrs Larkin who was lying ill with fever had to do without medical attendance.

[23] 'Gen. Mason, Lieut Lanman, and myself form a mess...This morning for the fortieth time we had to take to the kitchen and cook our own breakfast. A general of the U. S. army, the commander of a man-of-war, and the alcalde of Monterey in a smoking kitchen grinding coffee, toasting a herring, and peeling onions!' *Three Years in Cal.*, 247–8. 'Réduit à faire lui-même sa cuisine,' as one says of this incident in the *Revue des Deux Mondes*, Feb. 1849.

[24] 'I of course could not escape the infection,' says Sherman, *Mem.*, i. 46, 'and at last convinced Colonel Mason that it was our duty to go up and see with our own eyes, that we might report the truth to our government.' Swan relates an anecdote of a party of sailors, including the master-at-arms, belonging to the *Warren*, who deserted in a boat. They hid themselves in the pine

then they grew restless, and soon disappeared, as Commodore Jones asserts in his report to the secretary of the navy the 25th of October.[25] Threats and entreaties were alike of little avail. Jones claims to have checked desertion in his ranks by offering large rewards; but if the publication of such notices produced any marked effect, it was not until after there were few left to desert.[26]

In the midst of the excitement, however, there were men who remained calm, and here and there were those who regarded not the product of the Sierra foothills as the greatest good. Luis Peralta, who had lived near upon a century, called to him his sons, themselves approaching threescore years, and said: "My sons, God has given this gold to the Americans. Had he desired us to have it, he would have given it to us ere now. Therefore go not after it, but let others go. Plant your lands, and reap; these be your

woods till dark, and then came into town for provisions, but got so drunk that on starting they lost the road, and went to sleep on the beach opposite their own ship. Just before daylight one of them awoke, and hearing the ship's bell strike, roused the others barely in time to make good their escape. Swan afterward met them in the mines. *Trip to the Gold Mines*, MS., 3. Certain volunteers from Lower California arriving in Monterey formed into companies, helped themselves to stores, and then started for the mines. *Green's Life and Adventures*, MS., 11; *Californian*, Aug. 14, 1848. The offer of $100 per month for sailors, made by Capt. Allyn of the *Isaac Walton*, brought forward no accepters. *Frisbie's Remin.*, MS., 30-2; *Ferry, Cal.*, 325-6; *Sherman's Mem.*, i. 57; *Bigler's Diary*, MS., 78.

[25] Nov. 2d he again writes: 'For the present, and I fear for years to come, it will be impossible for the United States to maintain any naval or military establishment in California; as at the present no hope of reward nor fear of punishment is sufficient to make binding any contract between man and man upon the soil of California. To send troops out here would be needless, for they would immediately desert...Among the deserters from the squadron are some of the best petty officers and seamen, having but few months to serve, and large balances due them, amounting in the aggregate to over $10,000.' William Rich, Oct. 23d, writes the paymaster-general that nearly all of Company F, 3d artillery, had deserted. The five men-of-war in port dared not land a man through fear of desertion. Two companies alone remained in Cal., one of the first dragoons and the other of the 3d artillery, 'the latter reduced to a mere skeleton by desertion, and the former in a fair way to share the same fate.' *Revere's Tour of Duty*, 252-6; *Sherman's Mem.*, i. 56-7; *Lants, Kal.*, 24-31.

[26] In Nov. the commander gave notice through the *Californian* that $40,000 would be given for the capture of deserters from his squadron, in the following sums: for the first four deserting since July, $500 each, and for any others, $200 each, the reward to be paid in silver dollars immediately on the delivery of any culprit.

best gold-fields, for all must eat while they live."[27] Others looked around and saw with prophetic eye the turn in the tide when different resources must spring into prominence; not only land grants with farms and orchards, and forests with their varied products, but metals and minerals of a baser kind, as quicksilver, copper, coal.[28] They foresaw the rush from abroad of gold-seekers, the gathering of vast fleets, the influx of merchandise, with their consequent flow of traffic and trade, the rise of cities and the growth of settlements. Those were the days of great opportunities, when a hundred properly invested would soon have yielded millions. We might have improved an opportunity like Sutter's better than he did. So we think; yet opportunities just as great perhaps present themselves to us every day, and will present themselves, but we do not see them.

[27] *Archives Santa Cruz*, MS., 107; *Hall's Hist.*, 190–1; *Larkin's Doc.*, MS., vi.

[28] Men began to quarrel afresh over the New Almaden claim, now abandoned by its workmen for more fascinating fields; in the spring of this year the country round Clear Lake had been searched for copper.

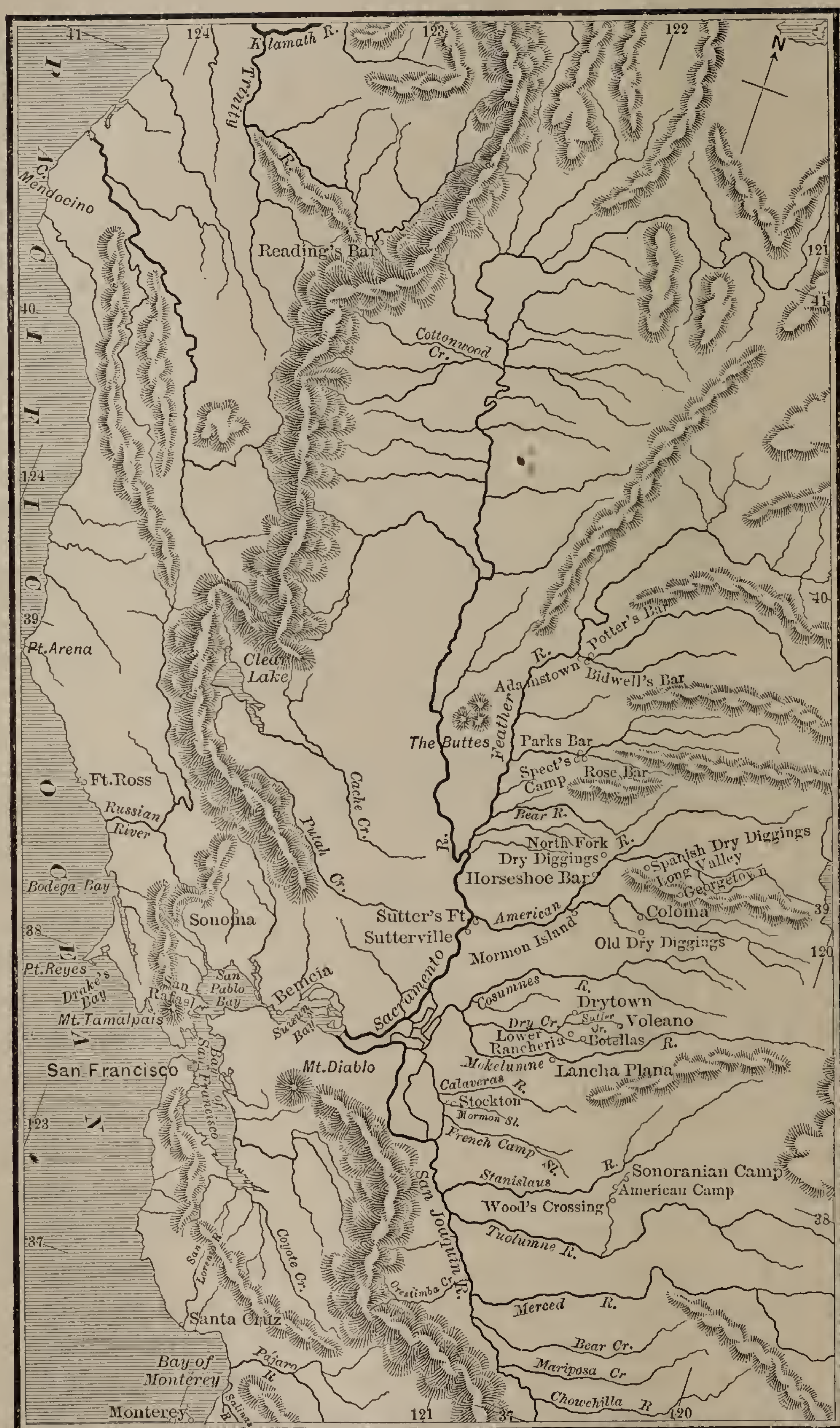
CHAPTER V.

FURTHER DISCOVERIES.

MARCH-DECEMBER, 1848.

ISAAC HUMPHREY AGAIN—BIDWELL AND HIS BAR—READING AND HIS INDIANS ON CLEAR CREEK—POPULATION IN THE MINES—ON FEATHER RIVER AND THE YUBA—JOHN SINCLAIR ON THE AMERICAN RIVER—THE IRISHMAN YANKEE JIM—DR TODD IN TODD VALLEY—KELSEY—WEBER ON WEBER CREEK—THE STOCKTON MINING COMPANY—MURPHY—HANGTOWN—ON THE STANISLAUS—KNIGHT, WOOD, SAVAGE, AND HEFFERNAN—PARTY FROM OREGON—ON THE MOKELUMNE AND COSUMNES—THE SONORANS ON THE TUOLUMNE—CORONEL AND PARTY.

ONE of the first to realize the importance of Marshall's discovery was Isaac Humphrey, the Georgia miner before mentioned, who accompanied Bennett on his return to Sutter's Fort, after the failure to obtain a grant of the gold region. Humphrey advised some of his friends to go with him to seek gold, but they only laughed at him. He reached Coloma on the 7th of March; the 8th saw him out prospecting with a pan; the 9th found him at work with a rocker. The application of machinery to mining in California was begun. A day or two later came to the mill a French Canadian, Jean Baptiste Ruelle by name, commonly called Baptiste, who had been a miner in Mexico, a trapper, and general backwoodsman. Impressed by the geologic features of that region, and yet more perhaps by an ardent fancy, he had five years before applied to Sutter for an outfit to go and search for gold in the mountains. Sutter declined, deeming him unreliable, but gave him occupation at the whip-saw on Weber Creek, ten miles east of Coloma. After



THE GOLD REGION IN 1848, FROM TUOLUMNE TO TRINITY.

examining the diggings at Coloma, he declared there must be gold also on the creek, wondered he had never found it there; indeed, the failure to do so seems stupidity in a person so lately talking about gold-finding. Nevertheless, he with Humphrey was of great service to the inexperienced gold-diggers, initiating them as well in the mysteries of prospecting, or seeking for gold, as in washing it out, or separating it from the earth.[1]

So it was with John Bidwell, who came to Coloma toward the latter part of March.[2] Seeing the gold and the soil, he said there were similar indications in the vicinity of his rancho, at Chico. Returning home he searched the streams thereabout, and was soon at work with his native retainers on Feather River, at the rich placer which took the name of Bidwell Bar.[3] Not long after Bidwell's visit to Coloma,[4] P. B. Reading arrived there. He also was satisfied that there was gold near his rancho at the northern end of the great valley, and finding it, he worked the

[1] Humphrey died at Victoria, B. C., Dec. 1, 1867. *Alta Cal.*, Dec. 4, 1867. Hittell, *Mining*, 15, ascribes to the Frenchman the first use of pan and rocker on the coast.

[2] He says that Humphrey, Ruelle, and others were at work 'with pans in some ravines on the north side of the river.' *Bidwell's Cal. 1841–8*, MS., 232. He makes no mention of any rocker, although the machine must have been new to him. It may have been there for all that.

[3] 'On my return to Chico I stopped over night at Hamilton on the west bank of Feather River. On trying some of the sand in the river here I found light particles of gold, and reckoned that if light gold could be found that far down the river, the heavier particles would certainly remain near the hills. On reaching Chico an expedition was organized, but it took some time to get everything ready. We had to send twice up to Peter Lassen's mill to obtain flour; meat had to be dried, and we had to send to Sacramento for tools. Our party were Mr Dicky, Potter, John Williams, William Northgraves, and myself. We passed near Cherokee and up on the north fork. In nearly all the places we prospected we found the color. One evening, while camped at White Rocks, Dicky and I in a short time panned out about an ounce of fine gold. The others refused to prospect any, and said the gold we had obtained was so light that it would not weigh anything. At this time we were all unfamiliar with the weight of gold-dust, but I am satisfied that what we had would have weighed an ounce. At length we came home and some of the men went to the American River to mine. Dicky, Northgraves, and I went to what is now Bidwell's Bar, and there found gold and went to mining.' *Bidwell's Cal. 1841–8*, MS., 232–3; *Sac. Union*, Oct. 24, 1864.

[4] Sutter, in *N. Helv. Diary*, says he left the fort April 18th with Reading and Edwin Kemble, was absent four days, and beside gold saw silver and iron in abundance.

deposits near Clear Creek with his Indians. Meanwhile the metal was discovered at several intermediate points,[5] especially along the tributaries and ravines of the south fork, which first disclosed it. Thus at one leap the gold-fields extended their line northward two hundred miles. It will also be noticed that after the Mormons the foremost to make avail of Marshall's discovery were the settlers in the great valley, who, gathering round them the Indians of their vicinity, with such allurements as food, finery, alcohol, went their several ways hunting the yellow stuff up and down the creeks and gulches in every direction. Sutter and Marshall had been working their tamed Indians at Coloma in February.[6]

As the field enlarged, so did the visions of its occupants. Reports of vast yields and richer and richer diggings began to fly in all directions, swelling under distorted fancy and lending wings to flocking crowds. In May the influx assumed considerable proportions, and the streams and ravines for thirty miles on either side of Coloma were occupied one after another. The estimate is, that there were then already 800 miners at work, and the number was rapidly increasing. Early in June Consul Larkin estimated them at 2,000, mostly foreigners, half of whom were on the branches of the American. There might have been 100 families, with teams and tents. He saw none who had worked steadily a month. Few had come prepared to stay over a week or a fortnight, and no matter how rich the prospects, they were obliged to return home and arrange their business. Those who had no home or business must go somewhere for food.

When Mason visited the mines early in July, he understood that 4,000 men were then at work, which certainly cannot be called exaggerated if Indians are

[5] As on the land of Leidesdorff, on the American River just above Sutter's flour-mill, about the middle of April. *S. F. Californian*, April 19, 1848; *California Star*, April 22, 1848.

[6] In his *Diary*, under date of April, Sutter says that some of his neighbors had been very successful.

included. By the turn of the season, in October, the number had certainly doubled, although the white mining population for the year could not have exceeded 10,000 men. Arrivals in 1848 have as a rule been overestimated. News did not reach the outside world in time for people to come from a distance during that year.[7] It is impossible to trace the drift of the miners, but I will give the movements of the leading men, and, so far as they have come under my observation, the founders of mining camps and towns.

The success of Bidwell in the north was quickly repeated by others. Two miles from his camp on the north fork of Feather River, one Potter from the Farwell grant opened another bar, known by his name. Below Bidwell Bar lay Long Bar; opposite, Adamstown, first worked by Neal. From Lassen's rancho went one Davis and camped below Morris Ravine, near Thompson Flat. Subsequently Dye and company of Monterey with 50 Indians took out 273 pounds in seven weeks, from mines on this river. The aborigines began to work largely on their own account,

[7] Simpson should not say there were 3,000 or 4,000 miners at work three months after the discovery of gold, because there were less than 500; four months after the discovery there were less than 1,000; nor should the Reverend Colton speak of 50,000 in Nov., when less than 10,000 white men were at work in the mines. My researches indicate a population in California in the middle of 1848 of 7,500 Hispano-Californians, excluding Indians, and 6,500 Americans, with a sprinkling of foreigners. Of the Californians, probably 1,300 went to the mines, out of a possible maximum of 2,000 able to go, allowing for their larger families. Of the Americans, with smaller families and of more roving disposition, soldiers, etc., 4,000 joined the rush. Add 1,500 Oregonians and northerners, arriving in 1848, and 2,500 Mexicans, Hawaiians, etc., and we have a total mining population of somewhat over 9,000. *Cal. Star*, Sept. 2, 1848, Dec. 9, 1848, allows 2,000 Oregonians to arrive in 1848, and 100 wagons with U. S. emigrants. The gov. agent, T. B. King, indicates his belief in a population at the end of 1848 of 15,000, or a little more. *Report*, 15; *U. S. Gov. Docs.*, 31st cong. 1st sess., H. Ex. Doc. 59, 7. The committee of the Cal. const. convention, in statement of March 1850, assumed a population of 26,000, whereof 8,000 Americans, 5,000 foreigners, and 13,000 Californians, but the last two estimates are excessive. See also *Stillman's Golden Fleece*, 32; *Mayer's Mex. Aztec*, ii. 393; Grimshaw, *Narr.*, MS., enumerates only five sea-going vessels at San Francisco early in Nov. 1848, and these evidently all on trading trips, and as late as Feb. 1849, the *First Steamship Pioneers*, found only a few ships here. It is difficult, therefore, to make up 5,000 foreign arrivals before 1849, for the influx from Sonora is shown elsewhere to have been moderate so far.

and Bidwell found more advantage in attending to a trading post opened by him.[8]

The success on Feather River led to the exploration of its main tributary, the Yuba, by Patrick McChristian, J. P. Leese, Jasper O'Farrell, William Leery, and Samuel Norris, who left Sonoma in July, and were the first to dig there for gold, making in three months $75,000[9] The diggings on the Yuba were subsequently among the most famous in California, and form the scene perhaps of more of the incidents and reminiscences .characteristic of the mining days than any other locality. The leading bars or camps were those of Parks, Long, and Foster, where miners, although poorly supplied with implements, made from $60 to $100 a day; and it is supposed that they lost more gold than they saved, on account of the clumsiness of their implements.[10] Below, on Bear River, J. Tyrwhitt Brooks camped with a party.[11] Reading extended his field to Trinity River, the most northerly point reached in 1848; but he had the misfortune to encounter a company of Oregonians on their way south, and these, imbittered against all

[8] *Bidwell's Cal. 1841-8*, MS., 231-3; Seeton, in *Oroville Mer.*, Dec. 31, 1875.

[9] *McChristian*, in *Pioneer Sketches*, MS., 9. Jonas Spect states in his *Diary*, MS., that he found gold on the Yuba, near Long Bar, June 1st. See also *Yolo Co. Hist.*, 33; *Yuba Co. Hist.*, 36.

[10] Parks Bar on the Yuba was discovered in August by Stephen Cooper, John Marsh, John P. Long and two brothers, Clay, Willis, and Nicholas Hunsaker, who afterward held important positions in Contra Costa county. Charles Covillaud opened a store there later, and employed a number of Indians to dig gold for him. He married, on Christmas, 1848, Mary Murphy, one of the survivors of the Donner party. He purchased the rancho where Marysville now stands, laid out the town, and named it for his wife. Parks, from whom the bar was named, came across the plains in 1848. Although fifty miners were at work when he arrived, and had been for some time, the bar was christened after him, because he was a man with a family, and more persons answered to the name of Parks than to any other. See account by Juanita, in *Sacramento Rescue*, Jan. 26, 1871. Juanita was a young Scotchman, John C. McPherson by name, with considerable literary ability. While mining at Long Bar he composed a song in praise of the Yuba, which became a favorite among the miners, and has been frequently printed. Long Bar was named after Dr Long. Burnett and a number of his companions from Oregon began their gold-seeking at this point. The population was then 80 men, 3 women, and 5 children. Foster Bar was one of the last opened in 1848. The gravelly clay dirt, often twelve feet from the surface, was hard to work.

[11] *Brooks' Four Months*, 119-28. His party obtained 115 lbs of gold by Sept. Later, Buffum tried and failed.

Indians by the recent bloody wars in which they had been engaged with their own aborigines, drove him and his party of natives away from what afterward proved to be an exceedingly rich locality.[12]

Early in June John Sinclair went from his rancho, near New Helvetia, to the junction of the north and south branches of the American River, twelve miles above his house, and there worked fifty natives with good success. During the same month a party of Mormons abandoned their claim on the south branch of the American River, and crossing to the middle tributary, discovered the deposits on what was later known as Spanish Bar, twelve miles north-east from Coloma. This stream was the richest of any in all that rich region, this one spot alone yielding more than a million of dollars.

Into a ravine between the north and middle branches of the American River, fifteen miles north-east of Coloma, stumbled one day an Irishman, to whom in raillery had been given the nickname Yankee Jim, which name, applied to the rich deposit he there found, soon became famous. A few miles to the north-east of Yankee Jim were Illinoistown and Iowa Hill, found and named by persons from the states indicated. W. R. Longley, once alcalde at Monterey, was followed by Dr Todd into the place named Todd Valley. Hereabout remained many Mormons, who forgot their desert destination, turned publicans, and waxed fat. There were Hannon, one wife and two daughters, who kept the Mormon House; Wickson and wife, the house to which under their successor was given the name Franklin; while Blackman kept an inn at one of the fifty Dry Diggings, which, at the great renaming, became known as Auburn.[13]

[12] *Weaverville Trinity Journal*, June 20, 1874; *Pacific Rural Press*, quoted in *Merced People*, June 8, 1872.

[13] *Ferry, Cal.*, 105–6; *Oakland Transcript*, April 13, 1873; *Alameda Co. Gazette*, April 19, 1873; *Hutchings' Mag.*, vol. ii. 197. On these streams some deserters realized within a few days from $5,000 to $20,000 each, and then left California by the first conveyance. *Carson's Early Recollections*, 6;

North of Coloma Kelsey and party opened the diggings which took his name. South of it Weber Creek rose into fame under the discoveries of a company from Weber's grant, now Stockton, including some Hispano-Californians. After a trip to the Stanislaus, and a more favorable trial on the Mokelumne, with deep diggings, they proceeded on their route, finding gold everywhere, and paused on the creek, at a point about twelve miles from the saw-mill. There they made their camp, which later took the name of Weberville; and while some remained to mine, the rest returned to Weber's rancho for supplies. Trade no less than gold-digging being the object, a joint-stock association, called the Stockton Mining Company, was organized, with Charles M. Weber as the leading member.[14] The company, although very successful with its large native corps, was dissolved in September of the same year by Weber, who wished to turn his attention exclusively to building a town upon his grant.[15] On the creek were also Suñol and company, who employed thirty Indians, and Neligh.

The Stockton company had scarcely been established at Weber Creek when a man belonging to the party of William Daylor, a ranchero from the vicinity of New Helvetia, struck into the hills one morning, and found the mine first called, in common with many other

Buffum's Six Months, 77. Sinclair was one of the first to find gold on the north branch. McChristian, in *Pioneer Sketches*, 9.

[14] The other members were John M. Murphy, Joseph Bussel, Andy Baker, Pyle, I. S. Isbel, and George Frazer. Not having at hand all the requisites for the outfit, while the company proceeded to Weber Creek, Weber went to San Francisco and San José, and there bought beads, calico, clothing, groceries, and tools, which were sent by boat to Sutter's embarcadero, and thence transported by wagons to Weber Creek, where a store was opened. Amongst the other articles purchased was a quantity of silver coin, attractive to the natives as ornaments. From the rancho were sent beef, cattle, and whatever else was available for use or sale. Weber, in *Tinkham's Hist. Stockton*, 72. According to *San Joaquin Co. Hist.*, 21, there were other prominent members, but they were more likely to have been only of the party, and may have joined at another time and place.

[15] Buffum, *Six Months in the Gold Mines*, 92, says that William Daylor, a ranchero near Sutter's Fort, was with Weber at Weber Creek, and that the two employed 1,000 Indians and took out $50,000. See, further, *Carson's Early Rec.*, 5; *S. F. Bulletin*, Aug. 13, 1859; *Alta Cal.*, July 31, 1856; *Brooks' Four Months*, 93.

spots, Dry Diggings, afterward Hangtown, and later Placerville.[16] It proved exceedingly rich, yielding from three ounces to five pounds of gold daily to the man; and from the middle of June, through July and August, the 300 Hangtown men were the happiest in the universe.

Thus far extended the northern district, which embraced the tributaries of the Sacramento and the north side of the Bay,[17] and centred in Coloma as the point of primary attraction, and whence fresh discoveries radiated. The region below, tributary to the San Joaquin, was largely opened by Indians.[18]

On the Stanislaus, where afterward was Knight's Ferry, lived an Indian known to white men as José Jesus. He had been instructed in the mysteries of religion and civilization by the missionaries, and was once alcalde at San José. Through some real or fancied wrong he became offended, left San José, and was ever after hostile to the Mexicans, though friendly to others. Tall, well-proportioned, and possessed of remarkable ability, with the dress and dignified manner of a Mexican of the better class, he commanded

[6] *Buffum's Six Months*, 92–3; *Ferry, Cal.*, 105–6. 'The gulches and ravines were opened about two feet wide and one foot in depth along their centres, and the gold picked out from amongst the dirt with a knife.' *Carson's Early Rec.*, 5.

[17] The *Californian* states that about this time there were many gold-seekers digging in the vicinity of Sonoma and Santa Rosa.

[18] A map, entitled *Positions of the Upper and Lower Gold Mines on the South Fork of the American River, California*, July 20, 1848, is probably the earliest map made expressly to show any part of the gold region, unless it was preceded by another on a larger scale of the same diggings, which bears no date. There is, however, another map, which is dated only five days later than the first mentioned, and is entitled, *Topographical Sketch of the Gold and Quicksilver District of California*, July 25, 1848, E. O. C. D., Lt U. S. A. This is not confined to one locality, but embraces the country west of the Sierra Nevada from lat. 37° to 40°, and has marked on it all the places where gold had been found at that date. A *Map of the Southern Mines, by C. D. Gibbes*, 1852, accompanies *Carson's Early Recollections*. The many books and pamphlets published about California in Europe and the eastern states in 1848–9 generally contained inferior maps, and in some cases an attempt was made to show the gold regions. Such may be found, for instance, in *Foster's Gold Regions; Wilkes' Western America; Brooks' Four Months among the Gold-finders; Hartmann's Geog. Stat.; Beschreibung von Cal.; Hoppe's Cal. Gegenwart; Oswald, Californien; Colton's Three Years;* and many other similar works. The earliest purely geological map appears in *Tyson's Report*, published by the war department in 1849.

universal respect, and on the death of Estanislao, that is to say, Stanislaus, chief of the Wallas, José Jesus was chosen his successor. Courting the friendship of this savage, Weber had through the intervention of Sutter made him his firm ally. On organizing the Stockton company, Weber requested of José Jesus some able-bodied members of his tribe, such as would make good gold-diggers. The chief sent him twenty-five, who were despatched to Weber Creek and given lessons in mining; after which they were directed to return to the Stanislaus, there to dig for gold, and to carry the proceeds of their labor to French Camp, where the mayordomo would pay them in such articles as they best loved.[19]

This shrewd plan worked well. The gold brought in by the natives proved coarser than any yet found. Weber and the rest were delighted, and the Stockton company determined at once to abandon Weber Creek and remove to the Stanislaus, which was done in August. The news spreading, others went with them; a large emigration set in, including some subsequently notable persons who gave their names to different places, as Wood Creek, Angel Camp, Sullivan Bar, Jamestown, Don Pedro (Sansevain) Bar. Murphy Camp was named from John M. Murphy, one of the partners.[20] William Knight established the trading post at the point now known as Knight's Ferry.

[19] They met with rare success, if the writer in *San Joaquin Co. Hist.*, 21, is to be believed. They found, he says, in July a lump of pure gold, weighing 80½ ounces avoirdupois, the general form of the nugget being that of a kidney. Its rare beauty, purity, and size prompted the firm of Cross & Hobson of San Francisco to pay for it $3,000...to send to the Bank of England, as a specimen from the newly discovered gold-fields of California. Gold-dust was selling at that time for $12 per ounce, and the specimen, had it sold only for its value as metal, would have yielded the Stockton Mining Company only $966.

[20] *San Joaquin Co. Hist.*, 21. Carson says, *Early Rec.*, 6: 'In August the old diggings were pronounced as being dug out, and many prospecting parties had gone out. Part of Weber's trading establishments had secretly disappeared, and rumors were afloat that the place where all the gold came from had been discovered south, and a general rush of the miners commenced that day.' Tinkham asserts that Weber proclaimed the discovery on the Stanislaus, and was willing every one should go there who wished. The greater the number of people the more goods would be required.

Such was the richness of the field that, at Wood Creek, Wood, Savage, and Heffernan were said to have taken out for some time, with pick and knife alone, $200 or $300 a day each.

The intermediate region, along the Mokelumne and Cosumnes, had already become known through parties en route from the south, such as Weber's partners. J. H. Carson was directed by an Indian to Carson Creek, where he and his companions in ten days gathered 180 ounces each. Angel camped at Angel Creek. Sutter, who had for a time been mining ten miles above Mormon Island with 100 Indians and 50 kanakas, came in July to Sutter Creek. Two months later, when further gold placers on the Cosumnes were discovered, José de Jesus Pico with ten men left San Luis Obispo and proceeded through Livermore pass to the Arroyo Seco of that locality and began to mine. In four months he obtained sufficient to pay his men and have a surplus of $14,000.[21]

Mokelumne or Big Bar was now fast rising in importance. A party from Oregon discovered it early in October and were highly successful. Their number induced one Syrec to drive in a wagon laden with provisions, a venture which proved so fortunate that he opened a store in the beginning of November, on a hill one mile from where the first mine was discovered. This became a trade centre under the name of Mokelumne Hill.

The richest district in this region, however, was beginning to appear on the head waters of the Tuolumne, round the later town of Sonora, which took its name from the party of Mexicans from Sonora who discovered it.[22] The Tuolumne may be regarded as the limit of exploration southward in 1848. It was

[21] *Pico, Acontecimientos*, MS., 77.

[22] Amongst the first who helped to settle Sonora in 1848-9 were Joshua Holden, Emanuel Lindberg, Casimir Labetour, Alonzo Green, Hiram W. Theall, R. S. Ham, Charles F. Dodge, Theophilus Dodge, Terence Clark, James Lane, William Shepperd, Alfred W. Luckett, Benjamin F. Moore, William Norlinn, Francisco Pavia, José M. Bosa, Elordi, Remigio Riveras, and James Frasier. *Hayes' Cal. Mining*, i. 33.

reached in August, so that before the summer months closed all the long Sierra base-line, as I have described, had been overrun by the gold-seekers, the subsequent months of the year being devoted to closer developments.[23] One reason for the limitation was the hostility of the natives, who had in particular taken an aversion to the Mexican people, or Hispano-Californians, their old taskmasters, and till lately prominent in pursuing them for enslavement.

These Californians very naturally halted along the San Joaquin tributaries, which lay on the route taken from the southern settlements, and were reported even richer than the northern mines. Among them was Antonio Franco Coronel, with a party of thirty, who had left Los Angeles in August by way of San José and Livermore pass.[24] Priests as well as publicans, it appears, were possessed by the demon in those days; for at the San Joaquin Coronel met Padre José María Suarez del Real who showed him a bag of gold which he claimed to have brought from the Stanislaus camp, that is to say, Sonora, recently discovered. This decided Coronel and party to go to the Stanislaus, where they found a company of New Mexicans, lately arrived, a few Americans, as well as native Californians from San José and proximate places. To the camp where Coronel halted came seven savages,

[23] *Carson's Early Recollections*, 6–7; *Stockton Independent*, Sept. 14, 1872; *Findla's Statement*, MS., 7; *San Andreas Independent*, Jan. 1861; *Jansen, Vida y Aventuras*, 198–200; *Pico, Acontecimientos*, 77. According to a statement published in the *Alta* of Oct. 15, 1851, in the summer of 1848 one Bomon, a Spanish doctor, while travelling with a large party of Spaniards, Italians, and Frenchmen in the southern part of the state, came upon a river so rich in gold that with their knives they took out five or six ounces a day to the man. They got into trouble with the natives, however, who killed 48 of the party, and forced the rest to flee for their lives. Bomon set out from Mariposa diggings with some companions in 1851 in search of this placer, and at the same time a French company left the same place with a similar object; but both expeditions failed. The narrator thinks that this might have been Kern River, but the whole story is probably fiction.

[24] The account I take from the valuable manuscript, written at the dictation of Coronel by Mr Savage in 1877, *Cosas de California, Por el Señor Don Antonio Franco Coronel, vecino de la Ciudad de Los Angeles. Obra en que el autor trata particularmente de lo que aconteció en la parte del sur durante los años de 1846 y 1847.*

wishing to buy from him and his party, and offering large quantities of gold for such articles as took their fancy. One of Coronel's servants, Benito Perez, was an expert in placer-mining. Struck with the display made by the natives, he proposed to his master to let him have one of his dumb Indians as a companion, so that he might follow, and see whence the savages obtained their gold. It was dark before the Indians had finished their purchases and set out for home, but Benito Perez, with Indian Agustin, kept stealthily upon their tracks, to the ranchería where Captain Estanislao had formerly lived.

Perez passed the night upon a hill opposite the ranchería hidden among the trees, and waiting for the Indians. Early the following morning the same seven started for the gold-fields, taking their way toward the east, followed by the Mexican and his companion. At a place afterward called Cañada del Barro the seven began to dig with sharp-pointed stakes, whereupon Perez presented himself. The Indians were evidently annoyed; but Perez set to work with his knife, and in a short time obtained three ounces in *chispas,* or nuggets. Satisfied with his discovery, he went back to Coronel. The two determined to take secret possession; but eventually Coronel thought it would be but right to inform his companions, especially as Perez' report indicated the mine to be rich. Secrecy was moreover of little use; their movements were watched. In order not to delay matters, Perez was despatched with two dumb Indians to secure the richest plats. This done, Coronel and the rest of his friends started, though late in the night. Such was their eagerness, that on reaching the ground they spent the night in alloting claims in order to begin work at daybreak.

Everybody was well satisfied with the first day's working. Coronel, with his two dumb Indians, obtained forty-five ounces of coarse gold. Dolores Sepúlveda, who was busy a few yards away, picked up a

nugget fully twelve ounces in weight; and though there were more than a hundred persons round about, all had great success. On the same bar where Sepúlveda found the nugget worked Valdés, alias Chapamango, a Californian of Santa Bárbara, who, by digging to the depth of three feet, discovered a pocket which had been formed by a large rock breaking the force of the current and detaining quantities of gold. He picked up enough to fill a large towel, and then passed round to make known his good fortune. Thinking that he had money enough, he sold his claim to Lorenzo Soto, who took out in eight days 52 pounds of gold. Water was then struck, when the claim was sold to Machado of San Diego, who also, in a short time, secured a large quantity of gold.

Coronel, leaving his servants at his claim, started to inspect the third bar of the Barro Cañada, with an experienced gambusino of the Sonorans known as Chino Tirador. Choosing a favorable spot, the gambusino marked out his claim, and Coronel took up his a little lower. The Chino set to work, and at the depth of four feet found a pocket of gold near an underground rock which divided the two claims. From nine o'clock in the morning till four in the afternoon he lay gathering the gold with a horn spoon, throwing it into a wooden tray for the purpose of dry-washing. By this time the tray had become so filled with cleaned gold that the man could hardly carry it. Tired with his work he returned to camp, giving Coronel permission to work his claim. The latter was only too glad to do so, for with a great deal more labor, and with the assistance of his servant, he had not succeeded in obtaining six ounces. During the brief daylight remaining Coronel made ample amends for previous shortcomings. The Chino's luck caused great excitement in the camp, where he offered to sell clean gold for silver; and had disposed of a considerable quantity when Coronel arrived and bought seventy-six ounces at the rate of two dollars and a

half the ounce. The next day the Chino returned to his claim; but as large numbers had been working it by night, with the aid of candles, he decided on abandoning the mine and starting upon a new venture. Purchasing a bottle of whiskey for a double-handful of gold, and spreading a blanket on the ground, he opened a monte bank. By ten o'clock that night he was both penniless and drunk.[25] Such is one of the many phases of mining as told by the men of 1848.

[25] *Coronel, Cosas de Cal.*, MS., 146-51.

CHAPTER VI.

AT THE MINES.

1848.

Variety of Social Phases—Individuality of the Year 1848—Noticeable Absence of Bad Characters during This Year—Mining Operations—Ignorance of the Miners of Mining—Implements and Processes—Yield in the Different Districts—Price of Gold-dust—Prices of Merchandise—A New Order of Things—Extension of Development—Affairs at Sutter's Fort—Bibliography—Effect on Sutter and Marshall—Character and Career of These Two Men.

Society in California from the beginning presents itself in a multitude of phases. First there is the aboriginal, wild and tame, half naked, eating his grass-hopper cake, and sleeping in his hut of bushes, or piously sunning himself into civilization upon an adobe mission fence, between the brief hours of work and prayer; next the Mexicanized European, priest and publican, missionary and military man, bland yet coercive, with the work-hating ranchero and settler; and then the restless rovers of all nations, particularly the enterprising and impudent Yankee. With the introduction of every new element, and under the developments of every new condition, the face of society changes, and the heart of humanity pulsates with fresh purposes and aspirations.

The year of 1848 has its individuality. It is different from every other California year before or since. The men of '48 were of another class from the men of '49. We have examined the ingredients composing the community of 1848; the people of 1849 will in due time pass under analysis. Suffice it to say

here, that the vile and criminal element from the continental cities of civilization and the isles of ocean, which later cursed the country, had not yet arrived. Those first at the mines were the settlers of the California Valley, just and ingenuous, many of them with their families and Indian retainers; they were neighbors and friends, who would not wrong each other in the mountains more than in the valley. The immigrants from the Mississippi border were accustomed to honest toil; and the men from San Francisco Bay and the southern seaboard were generally acquainted, and had no thought of robbing or killing each other.

After the quiet inflowing from the valley adjacent to the gold-fields came the exodus from San Francisco, which began in May; in June San José, Monterey, and the middle region contributed their quota, followed in July and August by the southern settlements. The predominance thus obtained from the start by the Anglo-American element was well sustained, partly from the fact that it was more attracted by the glitter of gold than the lavish and indolent ranchero of Latin extraction, and less restrained from yielding to it by ties of family and possessions. The subsequent influx during the season from abroad preponderated in the same direction. It began in September, although assuming no large proportions until two months later. The first flow came from the Hawaiian Islands, followed by a larger stream from Oregon, and a broad current from Mexico and beyond, notably of Sonorans, who counted many experienced miners in their ranks. Early in the season came also an accidental representation from the Flowery kingdom.[1]

It is not to be denied that this mixture of nationalities, with a tinge of inherited antipathy, and variety

[1] Charles V. Gillespie, who reached S. F. from Hong-Kong in the brig *Eagle*, Feb. 2, 1848, brought three Chinese, two men and a woman. The men subsequently went to the mines. These, he says, were the first Chinamen in Cal., with the exception of a very few who had come over as cooks or stewards of vessels. *Gillespie's Vig. Com.*, MS., 1.

of character, embracing some few aimless adventurers and deserters as well as respectable settlers, could not fail to bring to the surface some undesirable features. Yet the crimes that mar this period are strikingly few in comparison with the record of the following years, when California was overrun by the dregs of the world's society. Indeed, during this first year theft was extremely rare, although temptations abounded, and property lay almost unguarded.[2] Murder and violence were almost unknown, and even disputes seldom arose. Circumstances naturally required the miners to take justice into their own hands; yet with all the severity and haste characterizing such administration, I find only two instances of action by a popular tribunal in the mining region. In one case a Frenchman, a notorious horse-thief, was caught in the act of practising his profession at the Dry Diggings; in the other, a Spaniard was found with a stolen bag of gold-dust in his possession, on the middle branch of the American River.[3] Both of these men were tried, convicted, and promptly hanged by the miners.

It has been the fashion to ascribe most infringements of order to the Latin race, mainly because the recorders nearly all belonged to the other side, and because Anglo-Saxon culprits met with greater leniency, while the least infraction by the obnoxious Spanish-speaking southerner was met by exemplary

[2] Degroot, *Six Months in '49*, in *Overland Monthly*, xiv. 321. 'Honest miners left their sacks of gold-dust exposed in their tents, without fear of loss. Towards the close of the year a few robberies and murders were committed.' *Burnett's Recollections*, MS., ii. 142–3. Gov. Mason writing to L. W. Hastings from New Helvetia Oct. 24, 1848, says: 'Although some murders have been committed and horses stolen in the placer, I do not find that things are worse here, if indeed they are so bad, as they were in our own mineral regions some years ago, when I was stationed near them.' *U. S. Gov. Docs*, 31st cong. 1st sess., H. Ex. Doc. 17. On the other hand, I find complaints of outrages committed by disbanded volunteers at Monterey. *Cal. Star and Californian*, Dec. 9, 1848; of robbery and horse-thieving around the bay missions, by a gang from the Tulare Valley, said to be composed chiefly of deserters, Dr Marsh's residence on the Pulpunes rancho being plundered. *Cal. Star*, Feb. 26, June 3, 1848.

[3] *Hancock's Thirteen Years' Residence on the Northwest Coast*, MS., 119–20; *Carson's Early Recoll.*, 26. Early instances of popular punishment of crime at San José and elsewhere are mentioned in *Popular Tribunals*, i. 67–9, etc., this series.

punishment at the hands of the overbearing and dominant northerner. Even during these early days, some of the latter rendered themselves conspicuous by encroachments on the rights of the former, such as unwarrantable seizure of desirable claims.[4] While the strict and prompt treatment of crime tended to maintain order in the mining regions, the outskirts, or rather the southern routes to the placers, became toward the end of the season haunted by a few robbers.[5]

Another source of danger remained in the hostility of the savages, who, already imbittered by the encroachments and spoliation suffered in the coast valleys, and from serf-hunting expeditions, naturally objected to an influx that threatened to drive them out of this their last retreat in the country. This attitude, indeed, served to check the expansion of the mining field for a time. In the south it was mainly due to Mexican aggression, and in the north to inconsiderate action on the part of immigrants and Oregonian parties, whose prejudices had been roused by conflicts on the plains and in the Columbia region.[6]

Mining operations so far embraced surface picking, shallow digging along the rivers and the tributary ravines, attended by washing of metal-bearing soil, and dry diggings, involving either laborious conveyance, or 'packing,' of 'pay-dirt' to the distant water, or the bringing of water, or the use of a special cleaning process. This feature rendered the dry diggings more precarious than river claims, with their extensive veins

[4] A. Janssens declares, in *Vida y Avent.*, MS., that he and several friends were threatened in life and property; yet in their case all was amicably arranged, after many contests.

[5] Men whose lack of success in the gold-fields prompted to an indulgence of hitherto restrained propensities. There are always travellers, however, who love to tell thrilling tales. Janssens relates that, on turning homeward in Dec., his small party was recommended to avoid the main road to and from Stockton, and speaks of the two headless bodies they found in a hut of branches.

[6] As related in the *Merced People*, June 8, 1872, on the authority of Reading. Brooks, *Four Months*, states that his party was attacked on Bear River, had one killed and two wounded, and was subsequently robbed of 70 pounds of gold by bandits.

of fine and coarse gold, yielding a comparatively steady return, with hopes centred rather in rich finds and 'pockets.'

The principal dry diggings were situated in the country since comprised in Placer and El Dorado counties, particularly about the spots where Auburn and Placerville, their respective capitals, subsequently rose. Smaller camps, generally named after their discoverers, were thickly scattered throughout the gold region. They were among the first discovered after the rush set in from the towns, and were worked by a great number of miners during June, July, and part of August. After this they were deserted, partly because the small streams resorted to for washing dried up, but more because a stampede for the southern mines began at that time.[7] A few prudent and patient diggers remained, to collect pay-dirt in readiness for the next season; and according to all accounts they did wisely.

It was a wide-spread belief among the miners, few of whom had any knowledge of geology or mineralogy, that the gold in the streams and gulches had been washed down from some place where it lay in solid beds, perhaps in mountains. Upon this source their dreams and hopes centred, regardless of the prospect that such a discovery might cause the mineral to lose its value. They were sure that the wonderful region would be found some day, and the only fear of each was that another might be the lucky discoverer. Many a prospecting party set out to search for this El Dorado of El Dorados; and to their restless wanderings may be greatly attributed the extraordinarily rapid extension of the gold-fields. No matter how rich a new placer, these henceforth

[7] Kelsey and party discovered the first dry diggings, which were named Kelsey's diggings. Next were the old dry diggings, out of which so many thousands were taken. Among the discoverers were Isbel, and Daniel and Jno. Murphy, who were connected with Capt. Weber's trading establishments, Murray and Fallon of San José, and McKensey and Aram of Monterey. *Carson's Early Recollections*, 5. See also, concerning the dry diggings, *Oakland Transcript*, Apr. 13, 1873, and *Oakland Alameda Co. Gazette*, Apr. 19, 1873.

fated rovers remained there not a moment after the news came of richer diggings elsewhere. In their wake rushed others; and thus it often happened that men abandoned claims yielding from $50 to $200 a day, and hurried off to fresh fields which proved far less valuable or utterly worthless. Then they would return to their old claims, but only to find them fallen into other hands, thus being compelled by inexorable necessity to continue the chase. They had come to gather gold now, and bushels of it, not next year or by the thimbleful. At $200 a day it would take ten days to secure $2,000, a hundred days to get $20,000, a thousand days to make $200,000, when a million was wanted within a month. And so in the midst of this wild pursuit of their ignis fatuus, multitudes of brave and foolish men fell by the way, some dropping into imbecility or the grave, while others, less fortunate, were not permitted to rest till old age and decrepitude came upon them.

Although in 1848 the average yield of gold for each man engaged was far greater than in any subsequent year, yet the implements and methods of mining then in use were primitive, slow of operation, and wasteful. The tools were the knife, the pan, and the rocker, or cradle. The knife was only used in 'crevicing,' that is, in picking the gold out of cracks in the rocks, or occasionally in dry diggings rich in coarse gold.[8] Yet the returns were large because

[8] The pan was made of stiff tin or sheet-iron, with a flat bottom from 10 to 14 inches across, and sides from 4 to 6 inches high, rising outward at a varying angle. It was used mainly for prospecting, and as an adjunct to the rocker, but in the absence of the latter, claims were sometimes systematically worked with it. In 'panning,' as in all methods of placer-mining, the gold was separated from earth and stones chiefly by relying on the superior specific gravity of the metal. The pan was partly filled with dirt, lowered into the water, and there shaken with a sideway and rotary motion, which caused the dissolving soil and clay, and the light sand, to float away until nothing was left but the gold which had settled at the bottom. Gravel and stones were raked out with the hand. Except in extremely rich ground, such a process was slow, and it was therefore seldom resorted to, save for the purpose of ascertaining whether it would pay to bring the rocker to the spot. The cradle resembled in size and shape a child's cradle, with similar rockers, and was rocked by means of a perpendicular handle. The cradle-box consisted of a wooden trough, about 20 in. wide and 40 long, with sides 4 in. high. The

there were fewer to share the spoils, and because they had the choice of the most easily worked placers; and although they did not materially diminish the quantity of gold, they picked up much of what was in sight.

lower end was left open. On the upper end sat the hopper, or riddle, a box 20 in. square, with wooden sides 4 in. high, and a bottom of sheet iron or zinc pierced with holes ½ in. in diameter. Under the hopper was an apron of wood or canvas which sloped down from the lower end of the hopper to the upper end of the cradle-box. Later an additional apron was added by many, above the original one, sloping from the upper to the lower end. A strip of wood an inch square, called a riffle-bar, was nailed across the bottom of the cradle-box, about its middle, and another at its lower end. Under the whole were nailed the rockers, and near the middle of the side rose an upright handle for imparting motion. The rocker was placed in the spot to which the pay-dirt, and especially a constant supply of water, could most conveniently be brought. The hopper being nearly filled with auriferous earth, the operator, seated by its side, rocked the cradle with one hand, and with the other poured water on the dirt, using a half-gallon dipper, until nothing was left in the hopper but clean stones too large to pass through the sieve. These being thrown out, the operation was repeated. The dissolved dirt fell through the holes upon the apron, and was carried to the upper end of the cradle-box, whence it ran down toward the open end. Much of the finer gold remained upon the canvas-covered apron; the rest, with the heavier particles of gravel, was caught behind the riffle-bars, while the water, thin mud, and lighter substances were carried out of the machine. This description of the rocker I have taken from *Hittell's Mining in the Pacific States of North America*, S. F., 1861, and from the *Miners' Own Book*, S. F., 1858. The former is a well arranged hand-book of mining, and exhausts the subject. The latter work treats only of the various methods of mining, which are lucidly described, and illustrated by many excellent cuts, including one of the rocker. Earlier miners and Indians used sieves of intertwisted willows for washing dirt. Sonorans occasionally availed themselves of cloth for a sieve, the water dissolving the dirt and leaving the gold sticking to it. Several times during the day the miner 'cleaned up' by taking the retained dirt into his pan and panning it out. The quantity of dirt that could be washed with a rocker depended upon the nature of the diggings and the number of men employed. If the diggings were shallow, that is to say, if the gold lay near the surface, two men—one to rock and one to fill the hopper—could wash out from 250 to 300 pans in a day, the pan representing about half a cubic foot of dirt. But if several feet of barren dirt had to be stripped off before the pay-dirt was reached, more time and men were required. Again, if tough clay was encountered in the pay-dirt, it took an hour or more to dissolve a hopperful of it. Dry-washing consisted in tossing the dirt into the air while the wind was blowing, and thus gradually winnowing out the gold. This method was mostly confined to the Mexicans, and could be used to advantage only in rich diggings devoid of water, where the gold was coarse. The Mexican generally obtained his pay-dirt by 'coyoting;' that is, by sinking a square hole to the bed-rock, and then burrowing from the bottom along the ledge. For burrowing he used a small crowbar, pointed at both ends, and with a big horn spoon he scraped up the loosened pay-dirt. This, pounded into dust, he shook with great dexterity from a *batea*, or wooden bowl, upon an extended hide, repeating the process until the wind had left little of the original mass except the gold. In this manner the otherwise indolent Mexicans often made small fortunes during the dry summer months, when the rest of the miners were squandering their gains in the towns.

Moreover, they were fettered by no local regulations, or delays in obtaining possession of claims, but could hasten from placer to placer, skimming the cream from each. In February Governor Mason had abolished the old Mexican system of 'denouncing' mines,[9] without establishing any other mining regulations.[10] In this way some ten millions[11] were gathered by a population of 8,000 or 10,000, averaging an ounce a day, or $1,000 and more to the man for the season, and this notwithstanding the miners were not fairly at work until July, and most of them went down to the coast in October. Some, however, made $100 a day for weeks at a time, while $500 or $700 a day was not unusual.[12]

[9] Mason's order to this effect is dated at Monterey, Feb. 12, 1848. 'From and after this date the Mexican laws and customs now prevailing in California relative to the denouncement of mines are hereby abolished. The legality of the denouncements which have taken place, and the possession obtained under them since the occupation of the country by the United States forces, are questions which will be disposed of by the American government after a definitive treaty of peace shall have been established between the two republics.' *U. S. Gov. Docs*, 31st cong. 1st sess., H. Ex. Doc. 17, 477; *San Diego Arch.*, MS., 325; *San José Arch.*, MS., ii. 69; *Arch. Cal., Unbound Docs*, MS., 318; *S. F. Californian*, Feb. 23, 1848. This order caused dissatisfaction in several quarters, chiefly because many, after expense and trouble in looking for veins, had denounced them after Feb. 12th, but before the decree was known to them. Mason to J. S. Moerenhout, consul of France at Monterey, June 5, 1848, in *U. S. Gov. Docs*, as above, 56; Mason to alcalde of San José, March 9, 1848, in *S. José Arch.*, MS., 42; People of Monterey to Mason, March 9, 1848, in *Arch. Cal., Unbound Docs*, MS., 408–11.

[10] The desirability of regulations is spoken of by Mason in a letter to J. R. Snyder as early as May 23, 1848, as the latter is about to visit the gold region; and he is requested to obtain information and submit a plan. *U. S. Gov. Docs*, ubi sup. 554–6. In his letter to the U. S. adjt-gen. of Aug. 17, 1848, Mason writes: 'It was a matter of serious reflection to me how I could secure to the government certain rents or fees for the privilege of obtaining this gold; but upon considering the large extent of country, the character of the people engaged, and the small scattered force at my command, I resolved not to interfere, but to permit all to work freely, unless broils and crimes should call for interference.'

[11] This is the figure accepted in *Hittell's Mining*, 39, although the same author, in *Hist. S. F.*, 155, writes: 'The monthly gold yield of 1848 averaged perhaps $300,000.' The officially recorded export for 1848 was $2,000,000, but this forms only a proportion of the real export. Velasco, *Son.*, 289–90, for instance, gives the official import into Sonora alone at over half a million, and assumes much more unrecorded. See also *Annals S. F.*, 208. *Quart. Review*, lxxxvii. 422, wildly calculates the yield for 1848 at $45,000,000.

[12] John Sullivan, an Irish teamster, took out $26,000 from the diggings named after him on the Stanislaus. One Hudson obtained some $20,000 in six weeks from a cañon between Coloma and the American middle fork; while a boy named Davenport found in the same place 77 ounces of pure gold one day, and 90 ounces the next. At the Dry Diggings one Wilson took $2,000

In a country where trade had been chiefly conducted by barter with hides and other produce, coin was nat-

from under his own door-step. Three Frenchmen discovered gold in removing a stump which obstructed the road from Dry Diggings to Coloma, and within a week secured $5,000. On the Yuba middle fork one man picked up in 20 days nearly 30 pounds, from a piece of ground less than four feet square. Amador relates that he saw diggings which yielded $8 to every spadeful of earth; and he himself, with a companion and 20 native laborers, took out from 7 to 9 pounds of gold a day. Robert Birnie, an employé of Consul Forbes, saw miners at Dry Diggings making from 50 to 100 ounces daily. *Buffum's Six Months*, 126–9; *Cal. Star*, Nov. 18, Dec. 2, 1848; *Amador, Memorias*, MS., 177–80; Birnie's Biog., in *Pioneer Soc. Arch.*, MS., 93–4. A correspondent of the *Californian* writes from the Dry Diggings in the middle of August that 'at the lower mines the success of the day is counted in dollars, at the upper mines, near the mill, in ounces, and here in pounds!' 'The earth,' he continues, 'is taken out of the ravines which make out of the mountain, and is carried in wagons and packed on horses from one to three miles to the water, where it is washed; $400 has been an average for a cart-load. In one instance five loads of earth which had been dug out sold for 47 oz. ($752), and yielded after washing $16,000. Instances have occurred here where men have carried the earth on their backs, and collected from $800 to $1,500 in a day.' 'The fountain-head yet remains undiscovered,' continues the writer, who is of opinion that when proper machinery is introduced and the hills are cut down, 'huge pieces must be found.' At this time tidings had just arrived of new placers on the Stanislaus, and 200 miners were accordingly preparing to leave ground worth $400 a load, in the hope of finding something better in the south. This letter is dated from the Dry Diggings, Aug. 15, 1848, and is signed J. B. Similar stories are told by other correspondents; for instance, 'Cosmopolite,' in the *Californian* of July 15th, and 'Sonoma,' in that of Aug. 14th. Coronel states that on the Stanislaus in three days he took out 45, 38, and 59 ounces. At the same placer Valdés of Santa Bárbara found under a rock more gold-dust than he could carry in a towel, and the man to whom he sold this claim took out within 8 days 52 pounds of gold. Close by a Sonoran filled a large batea with dust from the hollow of a rock, and went about offering it for silver coin. *Cosas de Cal.*, MS., 146–51.

And yet the middle fork of the American surpassed the other streams in richness, the yield of Spanish Bar alone being placed at over a million dollars. These tributaries also boasted of nuggets as big as any so far discovered. Larkin writes: 'I have had in my hands several pieces of gold about 23 carats fine, weighing from one to two pounds, and have it from good authority that pieces have been found weighing 16 pounds. Indeed, I have heard of one specimen that weighed 25 pounds.' Colton heard of a twenty-pound piece, and a writer in *San Joaquin Co. Hist.*, 21, relates that the Stockton company obtained from the Stanislaus a lump 'of pure gold weighing 80½ ounces avoirdupois,' of kidney shape, which was brought as a specimen. Mason reports that 'a party of four men employed at the lower mines averaged $100 a day.' On Weber Creek he found two ounces to be a fair day's yield. 'A small gutter, not more than 100 yards long by four feet wide and two or three feet deep, was pointed out to me as the one where two men, William Daly and Perry McCoon, had a short time before obtained $17,000 worth of gold. Captain Weber informed me that he knew that these two men had employed four white men and about 100 Indians, and that at the end of one week's work they paid off their party and had $10,000 worth of this gold. Another small ravine was shown me, from which had been taken upwards of $12,000 worth of gold. Hundreds of similar ravines, to all appearances, are as yet untouched. I could not have credited these reports had I not seen in the abundance of the precious metal evidence of their truth. Mr Neligh, an agent of Com. Stockton, had been at work about three weeks in the neighborhood, and

urally scarce. This no less than the sudden abundance of gold tended to depress the value of the metal, so much so that the miners often sold their dust for four dollars an ounce, and seldom obtained at first more than eight or ten dollars.[13] The Indians were foremost in

showed me in bags and bottles over $2,000 worth of gold; and Mr Lyman, a gentleman of education and worthy of every credit, said he had been engaged with four others, with a machine on the American fork, just below Sutter's mill; that they worked eight days, and that his share was at the rate of $50 a day; but hearing that others were doing better at Weber's place, they had removed there, and were then on the point of resuming operations. I might tell of hundreds of similar instances,' he concludes. John Sinclair, at the junction of the north and middle branches of the American River, displayed 14 pounds of gold as the result of one week's work, with fifty Indians using closely woven willow baskets. He had secured $16,000 in five weeks. Larkin writes in a similar strain from the American forks. Referring to a party of eight miners, he says: 'I suppose they made each $50 per day; their own calculation was two pounds of gold a day, four ounces to a man, $64. I saw two brothers that worked together, and only worked by washing the dirt in a tin pan, weigh the gold they obtained in one day. The result was $7 to one and $82 to the other.' Buffum relates his own experiences on the middle branch of the American. Scratching round the base of a great bowlder, and removing the gravel and clay, he and his companions came to black sand, mingled with which was gold strewn all over the surface of the rock, and of which four of them gathered that day 26 ounces. 'The next day, our machine being ready,' he continues, 'we looked for a place to work it, and soon found a little beach which extended back some five or six yards before it reached the rocks. The upper soil was a light black sand, on the surface of which we could see the particles of gold shining, and could in fact gather them up with our fingers. In digging below this we struck a red stony gravel that appeared perfectly alive with gold, shining and pure. We threw off the top earth and commenced our washings with the gravel, which proved so rich that, excited by curiosity, we weighed the gold extracted from the first washing of 50 panfuls of earth, and found $75, or nearly five ounces of gold to be the result.' The whole day's work amounted to 25 ounces. A little lower on the river he struck the stony bottom of 'pocket, which appeared to be of pure gold, but upon probing it, I found it to be only a thin covering which by its own weight and the pressure above it had spread and attached itself to the rock. Crossing the river I continued my search, and after digging some time struck upon a hard, reddish clay a few feet from the surface. After two hours' work I succeeded in finding a pocket out of which I extracted three lumps of pure gold, and one small piece mixed with oxydized quartz'—29¼ ounces for the day; not much short of $500. There are a class of stories, such as those related by H. L. Simpson and the Rev. Colton, of a wilder and more romantic nature, apparently as easy to tell as those by writers of proved veracity, and which, whether true or false, I will not trouble my readers with. For additional information on yield, see more particularly Larkin's letters to the U. S. secty of state, dated S. F., June 1, Monterey, June 28, July 1, July 20, and Nov. 16, 1848, in *Larkin's Official Corresp.*, MS., 131–41; Mason to the adjt-gen., Aug. 17, 1848; *U. S. Gov. Docs*, 31st cong. 1st sess., H. Ex. Doc. 17, 528–36; *Sherman's Memoirs*, i. 46–54; *Soulé's Annals of S. F.*, 210; *Carson's Early Recollections*, passim; *Hittell's Mining*, 21; McChristian, in *Pioneer Sketches*, 9; *Burnett's Recollections*, i. 374–5; and a number of miscellaneous documents in *Foster's Gold Regions*. Also *Simpson's Three Weeks in the Gold Mines; Colton's Three Years in Cal.*

[13] Jones writes in Nov. 1848 that miners often sold an ounce of gold for a silver dollar. It had been bought of Indians for 50 cents. *Revere's Tour of*

lowering the price, at least in the early part of the season. They had no idea of the value of gold, and would freely exchange it for almost anything that caught their fancy. Although honest enough in dealings among themselves, the miners did not scruple to cheat the natives,[14] the latter meanwhile thinking they had outwitted the white man. Presently, however, with growing experience, they began to insist upon a scale of fixed prices, whereupon the trader quoted prices of cotton cloth or calico at twenty dollars a yard, plain white blankets at six ounces, sarapes from twenty to thirty ounces each, beads equal weight in gold, handkerchiefs and sashes two ounces each. Care was moreover taken to arrange scales and weights especially for trade with the savages. To balance with gold the great slugs of lead, which represented a 'digger ounce,' the savages regarded as fair dealing, and would pile on the precious dust until the scales exactly balanced, using every precaution to give no more than the precise weight. The scales usually employed, often improvised, were far from reliable; but a handful of gold-dust more or less in those days was a matter of no great moment.[15]

The inflowing miners arrived as a rule well supplied with provisions and other requirements, but they had not counted fully on wear and tear, length of stay, and accidents. As a consequence, they nearly all came to want at the same time toward the close of the sea-

Duty, 254. Carson says that gold was worth but $6 per ounce in the mines. *Early Recollections*, 14. Buffum says from $6 to $8. *Six Months*, 96; Dally that it could not be sold for more than $8 or $9. *Narrative*, MS., 53; Swan says $4 to $8. *Trip to the Gold Mines* Birnie bought a quantity of dust at $4 per oz. in Mexican coin. Biog. in *Pioneer Soc. Arch.*, MS., 93–4.

[14] We hear of ragged blankets and the like selling for their weight, 2 lbs, 3 oz. of dust being given for one. *Buffum's Six Months*, 93–4, 126–9; *Coronel, Cosas de Cal.*, MS., 142–3; *Fernandez, Cosas de Cal.*, MS., 175, 178; *Tulare Times*, Sept. 19, 1874.

[15] *Carson's Early Recollections*, 35–6. Green relates that on the Tulare plains he sold his cart and pair of oxen to a Frenchman for $600. The gold was weighed by the Frenchman with improvised scales. Green fancied the Frenchman was getting the better of him, but said nothing. On reaching Sutter's Fort he weighed the gold again and found it worth $2,000. *Life and Adventures*, MS., 17. A somewhat fanciful story.

son, and the supply and means of transportation being unequal to the demand, prices rose accordingly.[16] It did not take men long to adapt themselves to the new measurements of money; nor could it be called extravagance when a man would pay $300 for a horse worth $6 a month before, ride it to the next camp, turn it loose and buy another when he wanted one, provided he could scrape from the ground the cost of an animal more easily than he could take care of one for a week or two. Extravagance is spending much when one has little. Gold was too plentiful, too easily obtained, to allow a little of it to stand in the way of what one wanted. It was cheap. Perhaps there were mounains of it near by, in which case six barrels of it might be easily given for one barrel of meal.

And thus it was that all along this five hundred miles of foothills, daily and hourly through this and the following years, went up the wild cry of exultation mingled with groans of despair. For even now the unfortunate largely outnumbered the successful. It may seem strange that so many at such a time, and at this occupation above all others, should consent to work for wages; but though little capital save a stock of bread was required to work in the mines, some had lost all, and had not even that. Then the excitement and pressure of eager hope and restless labor told upon the constitution no less than the hard and unaccustomed task under a broiling sun in moist ground, perhaps knee-deep in water, and with poor shelter during the night, sleeping often on the bare ground. The result was wide-spread sickness, notably fevers and

[16] Sales are reported, for example, flour $800 a bbl; sugar, coffee, and pork, $400; a pick, shovel, tin pan, pair of boots, blanket, a gallon of whiskey, and 500 other things, $100 each. Eggs were $3 each; drugs were $1 a drop; pills, $1 each; doctor's visit, $100, or $50, or nothing; cook's wages, $25 a day; hire of wagon and team, $50 a day; hire of rocker, $150 a day. If there happened to be an overstock in one place, which was not often the case during this year, prices were low accordingly. Any price, almost, would be paid for an article that was wanted, and nothing for what was not wanted. A Coloma store-keeper's bill in Dec. 1848 runs thus: 1 box sardines, $16; 1 lb. hard bread, $2; 1 lb. butter, $6; ½ lb. cheese, $3; 2 bottles ale, $16; total, $43; and this for not a very elaborate luncheon for two persons.

dysentery, and also scurvy, owing to the lack of vegetables.[17]

The different exploitations resulted in the establishment of several permanent camps, marked during this year by rude shanties, or at best by log huts, for stores, hotels, and drinking-saloons. Some of them surpassed in size and population Sutter's hitherto solitary fortress, yet this post maintained its prëeminence as an entrepôt for trade and point of distribution, at least for the northern and central mining fields, and a number of houses were rising to increase its importance. On the river were several craft beating up with passengers and goods, or unlading at the landing. The ferry, now sporting a respectable barge, was in constant operation, and along the roads were rolling freight trains under the lash and oaths of frantic teamsters, stirring thick clouds of incandescent dust into the hot air. Parties of horsemen, with heavy packs on their saddles, moved along slowly enough, yet faster than the tented ox-carts or mule-wagons with their similar burdens. A still larger proportion was foot-sore wanderers trudging along under their roll of blankets, which enclosed a few supplies of flour, bacon, and coffee, a little tobacco and whiskey, perhaps some ammunition, and, suspended to the straps, a frying-pan of manifold utility, the indispensable pick and shovel, tin pan and cup, occasionally a gun, and at the belt a pair of pistols and a dirk. Up the steep hills and over the parched plains, toiling on beneath a broiling sun, such a load became a heavy burden ere nightfall.

Within the fort all was bustle with the throng of coming and going traffickers and miners, mostly rough, stalwart, bronze-faced men in red and blue woollen shirts, some in deerskin suits, or in oiled-skin and fishermen's boots, some in sombrero, Mexican sash, and spurs, loaded with purchases or bearing enticingly

[17] Buffum was attacked, but found a remedy in some bean-sprouts which had sprung up from an accidental spill.

plethoric pouches in striking contrast to their frequently ragged, unkempt, and woe-begone appearance. Hardly less numerous, though less conspicuous, were the happy aboriginals, arrayed in civilization's cotton shirts, some with duck trousers, squatting in groups and eagerly discussing the yellow handkerchiefs, red blankets, and bad muskets just secured by a little of this so lately worthless stuff which had been lying in their streams with the other dirt these past thousand years.

Every storehouse and shed was crammed with merchandise; provisions, hardware and dry goods, whiskey and tobacco, and a hundred other things heaped in indiscriminate confusion. The dwelling of the hospitable proprietor, who had a word for everybody, and was held in the highest respect, was crowded with visitors, and presented the appearance of a hotel rather than private quarters. The guard-house, now deserted by its Indian soldiers, and most of the buildings had been rented to traders and hotel-keepers,[18] who drove a rushing business, the sales of one store from May 1st to July 10th reaching more than $30,000.[19] The workshops were busy as ever, for the places of deserting artisans could be instantly filled from passers-by in temporary need.

In October the heavy rains and growing cold rendered mining difficult, and in many directions impossible. The steady tide of migration now turned toward the coast. Yet a large number remained, 800 wintering at the Dry Diggings alone, and a large number on the Yuba, working most of the time, for the mines were yielding five ounces a day. Efforts proved remunerative also in many other places.[20]

[18] A two-story house at $500 a month; rooms for $100.

[19] Sterling's company wrote Larkin not to delay in forwarding stock, for from 50 to 500 per cent could be made on everything. There were no fixed rates.

[20] *Hayes' Cal. Mining*, i. 50; *Burnett's Rec.*, MS., 369–70; *Buffum's Six Months*, 52; *Cal. Star*, Dec. 12, 1848; *Yuba Co. Hist.*, 37; *Hall's Hist. S. Jose*, 172–3.

The more prudent devoted a little time to erecting log cabins, and otherwise making themselves comfortable; but many who could not resist the fascinations of gold-hunting, and attempted, in ill-provided and cloth and brushwood shanties, to brave the inclemency of winter, suffered severely. From the beginning of October till the end of the rainy season men, disappointed and sick, kept coming down to San Francisco, cursing the country and their hard fate.[21] Indeed, there were not many among the returning crowd, rich or poor, who could present a respectable appearance. They were a ragged, sun-burned lot, grimy and bespotted, with unshorn beards and long, tangled hair; some shoeless, with their feet blistered and bandaged. Many were now content to return home and enjoy their good fortune, but many more remained to squander their earnings during the winter, to begin the spring where they began the last one; yet as a body, the men of 1848 profited more by their gains than the men who came after them.[22]

[21] There was greater mortality at the end of 1848 than ever before, says *Grimshaw, Narr.*, MS., 15.

[22] Among the noted visitors at the mines, upon whose testimony the last chapters are to a great extent based, I would first mention J. H. Carson, the discoverer of Carson Creek, as he subscribed himself in the title-page of his book, *Early Recollections of the Mines, and a Description of the Great Tulare Valley*, a small octavo of 64 pp., printed at Stockton in 1852, to accompany the steamer edition of the *San Joaquin Republican*. It is significant, certainly, of newspaper enterprise, when a country journal could print so important and expensive an accompaniment to its regular issue. It ranks also as the first book issued at Stockton. Note also the dedication: 'To the Hon. A. Randall, of Monterey, Cal., Professor of Geology and Botany, who has spared neither energy nor expense in the Historical Researches of California, this humble work is most respectfully dedicated by his obliged and obedient servant, The Author.' Let not his name perish. Mr Carson has made a very good book, an exceedingly valuable book. He sees well, thinks well, and writes well, though with some coloring. Already in 1852 he begins to talk with affection 'of the good old times, now past, when each day was big with the wonders and discoveries of rich diggings.' The first 16 pages are devoted to a description of the mines; then follow some very good anecdotes and sketches; the whole concluding with a description of the Tulare Valley. Carson, a sergeant in the N. Y. reg., was residing at Monterey in the spring of 1848, when he was seized with this new western dance of St Vitus, and was carried on an old mule to the gold-diggings. He began work at Mormon Island by annihilating earth in his wash-basin, standing up to his knees in water, slashing and splashing as if resolving the universe to its original elements. Fifty pans of dirt thus pulverized gave the fevered pilgrim but fifty cents; whereupon a deep disgust filled his soul, and immediately with

Obviously the effect for good and evil of finding gold was first felt by those nearest the point of dis-

the departure of his malady the man departed. On passing through Weber's Indian trading camp, however, he saw such heaps of glittering gold as brought the ague on again more violent than ever, resulting in a prolonged stay at Kelsey's and Hangtown. Instead of fortune, however, came sickness, which drove him away to other pursuits, and brought him to the grave at Stockton in April 1853, shortly after his election to the legislature. His widow and daughter arrived from the east a month later, and being destitute, were assisted to return by a generous subscription.

Another member of the same regiment, Henry I. Simpson, who started the 18th of Aug., 1848, from Monterey to the mines, wrote a book chiefly remarkable from its publication in New York, in 1848, describing a trip to the mines which could not have been concluded much more than three months before that time. It was not impossible, though it was quick work, if true, and we will not place Mr Simpson, or his publishers, Joyce & Company, under suspicion unless we find them clearly guilty. The title is a long one for so thin a book, a pamphlet of thirty octavo pages, and somewhat pretentious, as the result of only three weeks' observation; but Mr Simpson is not the only one who has attempted to enlighten the world respecting this region after a ten or twenty days' ride through it, and to tell more of the country than the inhabitants had ever known, thinking that because things were new to themselves they were new to everybody. Such personages are your Todds and Richardsons, your Grace Greenwoods, Pfeifers, Mary Cones, and fifty others who cover their ignorance by brilliant flashes that gleam before the simple as superior knowledge. Nevertheless, I will be charitable, and print this title, which, indeed, gives more information than any other part of the book. It reads: *The Emigrant's Guide to the Gold Mines. Three Weeks in the Gold Mines, or Adventures with the Gold-Diggers of California, in August, 1848, together with Advice to Emigrants, with full Instructions upon the best Methods of Getting There, Living, Expenses, etc., etc., and a Complete Description of the Country. With a Map and Illustrations.* And such a map, and such illustrations! I should say that the draughtsman had taken the chart of Cortés, or Vizcaino, thrown in some modern names, and daubed yellow a strip north of San Francisco Bay to represent the gold-fields. Indeed, there is very little of California about this map. The price of the book with the map was 25 cents; without the map, 12½ cents. It is to be hoped that purchasers took it in the latter form, for the less they had of it the wiser they would be. As for illustrations, there are just four, whose only merit is their badness. Fourteen pages of the work are devoted to the narrative of a trip to the mines; nine pages to a description of the country and its inhabitants; the remainder being occupied by advice to emigrants concerning outfit and ways to reach the country. Mr Simpson's ideas are rambling and inflated, and his pictures of the country more gaudy than gorgeous. He certainly tells large stories—Bigler says wrong stories—of river-beds paved with gold to the thickness of a hand, of $20,000 or $50,000 worth picked out almost in a moment, and so forth; but he printed a book on California gold in the year of its discovery, and this atones for many defects. Had all done as well as this soldier-adventurer, we should not lack material for the history of California.

J. Tyrwhitt Brooks, an English physician lately from Oregon, started in May 1848 from S. F. for the gold-field, with a well-equipped party of five. After a fairly successful digging at Mormon Island they moved to Weber Creek, and thence to Bear River, where, despite Indian hostility, 115 pounds of gold were obtained, the greater part of which, however, was destined to fall into the hands of highwaymen. The scenes and experiences of the trip Brooks recorded in a diary, which, forwarded to his brother in London, was there published under title of *Four Months among the Gold-Finders in Alta California.*

covery. Upon the discoverer himself, in whose mind so suddenly arose visions of wealth and influence, it

two editions appearing in London in 1849, and one in America, followed by a translation at Paris. A map accompanies the English edition, with a yellow and dotted line round the gold district then extending from 'R. d L. Mukelemnes' to Bear River. The book is well written, and the author's observations are such as command respect.

After many sermons preached against money as the root of all evil, and after lamenting fervently the present dispensation for depriving him of his servant, temptation also seized upon the Rev. Walter Colton, at the time acting alcalde at Monterey, and formerly chaplain on board the U. S. ship *Congress*. With ive companions, including Lt Simmons, Wilkinson, son of a former U. S. minister to Russia, and Marcy, son of him who was once sec. of war, he started for the diggings in Sept. 1848, freighting a wagon with cooking utensils, mining tools, and articles for Indian traffic. He passed through the Livermore gap to the Stanislaus, meeting on the way a ragged but richly laden party, whose display of wealth gave activity to his movements. Two months saw him back again, rich in experience if not in gold, and primed with additional material for his *Three Years in California*, a book published in New York in 1850, and covering the prominent incidents coming under his observation during the important days between the summer of 1846 and the summer of 1849. Cal. life in mines and settlements, and among the Spanish race, receives special attention, in a manner well calculated to bring out quaint and characteristic features. Appearing as it did while the gold fever was still raging, the work received much attention, and passed quickly through several editions, later under the changed title, *Land of Gold*. It also assisted into notice his *Deck and Fort*, a diary like the preceding, issued the same year, and reaching the third edition, which treats of scenes and incidents during the voyage to Cal. in 1845, and constitutes a prelude to the other book. While the popularity of both rests mainly upon the time and topic, yet it owes much to the style, for Colton is a genial writer, jocose, with an easy, careless flow of language, but inclines to the exuberant, and is less exact in the use of words than we should expect from a professed dealer in unadulterated truth, natural and supernatural.

Six Months in the Gold Mines; being a Journal of Three Years' Residence in Upper and Lower California, 1847–9, is a small octavo of 172 pages by E. Gould Buffum, sometime lieut in the first reg., N. Y. Volunteers, and before that connected with the N. Y. press. It was published while the author remained in Cal., and constitutes one of the most important printed contributions to the history of Cal., no less by reason of the scarcity of material concerning the period it covers, 1848–9, than on account of the ability of the author. For he was an educated man, remarkably free from prejudice, a close observer, and possessing sound judgment. He is careful in his statements, conscientious, not given to exaggeration, and his words and ways are such as inspire confidence. The publishers' notice is dated May 1850. The author's introduction is dated at S. F. Jan. 1, 1850. Hence his book cannot treat of events happening later than 1849. First is given his visit to the mines, notably on the Bear, Yuba, and American rivers, with the attendant experiences and observations. Then follow a description of the gold region, the possibilities of the country in his opinion, movements toward government, descriptions of old and new towns, and a dissertation on Lower Cal. The style is pleasant—simple, terse, strong, yet graceful, and with no egoism or affectations.

No less valuable than the preceding for the present subject are a number of manuscript journals and memoirs by pioneers, recording their personal experiences of matters connected with the mines, trade, and other features of early Cal. periods. Most of them are referred to elsewhere, and I need here only instance two or three. A. F. Coronel, subsequently mayor of Los An-

fell like the gold of Nibelungen, in the Edda, which brought nothing but ill luck to the possessor. And to Sutter, his partner, being a greater man, it proved a greater curse. Yet this result was almost wholly the fault of the man, not of the event. What might have been is not my province to discuss; what was and is alone remain for me to relate. We all think that of the opportunity given these men we should have made better use; doubtless it is true. They were simple backwoods people; we have knocked our heads against each other until they have become hard; our tongues are sharpened by lying, and our brains made subtle by much cheating. Sutter and Marshall, though naturally no more honest than other men, were less astute and calculating; and while the former had often met trick with trick, it was against less skilled players than those now entering the game. In their intercourse with the outside world, although

gelcs, and a prominent Californian, made a trip to the Stanislaus and found rich deposits, as related in his *Cosas de Cal.*, a volume of 265 pp., which forms one of the best narratives, especially of happenings before the conquest. One of his fellow-miners in 1848 was Agustin Janssens, a Frenchman, who came to Cal. in 1834 as one of the colonists of that year. He left his rancho at Santa Inés in Sept. 1848, with several Indian servants, and remained at the Stanislaus till late in Dec. In his *Vida y Aventuras en California de Don Agustin Janssens vecino de Santa Bárbara, Dictadas por él mismo á Thomas Savage*, MS., 1878, he shows the beginning of the race aggressions from which the Latins were subsequently to suffer severely. Besides several hundred of such dictations in separate and voluminous form, I have minor accounts in letter and reports, bound with historic collections, such as *Larkin, Docs*, MS., i.–ix.; *Doc. Hist. Cal.*, MS., i.–iv.; *Vallejo, Docs*, MS., i.–xxxvi. passim. Instance the observations of Charles B. Sterling and James Williams, both in the service of Larkin, and who mined and traded on the south and north branches of the American, with some success. The official report of Thomas O. Larkin to the sec. of state of June 28, 1848, was based on a personal visit to the central mining region early in that month. So was that of Col R. B. Mason, who left Monterey June 17th, attended by W. T. Sherman and Quartermaster Folsom, escorted by four soldiers. By way of Sonoma they reached Sutter's Fort, where the 4th of July was duly celebrated, and thence moved up the south branch of the American River to Weber Creek. Mason was summoned back to Monterey from this point, but had seen enough to enable him to write the famous report of Aug. 17th to the adj.-gen. at Washington, which started the gold fever abroad. A later visit during the autumn extended to the Stanislaus and Sonora diggings. Folsom also made a report, but gave little new information. He attempted to furnish the world, through Gen. Jesup, with a history and description of the country, in which effort he attained no signal success. He did not like the climate; he did not like the mines. Yet he was gracious enough to say, 'I went to them in the most sceptical frame of mind, and came away a believer.'

they were adventurers, they proved themselves little better than children, and as such they were grossly misused by the gold-thirsting rabble brought down upon them by their discovery.

Marshall and Sutter kept the Mormons at work on the saw-mill as best they were able, until it was completed and in operation, which was on the 11th of March. The Mormons merited and received the acknowledgments of their employers for faithfulness in holding to their agreements midst constantly increasing temptations. Both employers engaged also in mining, especially near the mill, claiming a right to the ground about it, which claim at first was generally respected. With the aid of their Indians they took out a quantity of gold; but this was quickly lost; and more was found and lost. Sutter mined elsewhere with Indians and Kanakas, and claims never to have derived any profit from these efforts. The mill could not be made to pay. Several issues before long arose between Marshall and the miners regarding their respective rights and the treatment of the natives.

Marshall was less fortunate than almost any of the miners. This ill success, combined with an exaggerated estimate of his merits as discoverer, left its impress on his mind, subjecting it more and more to his spiritualistic doctrines. In obedience to phantom beckonings, he flitted hither and thither about the foothills, but his supernatural friends failed him in every instance.[23] He became petulant and querulous. Discouraged and soured, he grows restive under encroachments on his scanty property,[24] and the abuse

[23] 'Should I go to new localities' says Marshall, 'and commence to open a new mine, before I could prospect the ground, numbers flocked in and commenced seeking all around me, and, as numbers tell, some one would find the lead before me and inform their party, and the ground was claimed. Then I would travel again.' Twice Sutter gave him a prospector's outfit and started him. He was no longer content with his former plodding industry. 'He was always after big things,' Sutter said. I have wondered that he did not in the first instance attribute his discovery to the direction of the spirits.

[24] Early in 1849, after Winters and Bayley had purchased the half-interest of Sutter in the saw-mill, and one third of the half-interest of Marshall,

and butchery of his aboriginal protégés. Forced by the now enraged miners to flee from his home and property, he shoulders his pack of forty pounds and tramps the mountains and ravines, living on rice. He seeks employment and is refused. "We employ you!" they cry ironically. "You must find gold for us. You found it once, and you can again." And it is told for a fact, and sworn to by his former partner, that they "threatened to hang him to a tree, mob him, etc., unless he would go with them and point out the rich diggings."[25]

There is something unaccountable in all this. Marshall must have rendered himself exceedingly obnoxious to the miners, who, though capable of fiendish acts, were not fiends. While badly treated in some respects, he was undoubtedly to blame in others. Impelled by the restlessness which had driven him west, and overcome by morbid reflections, he allowed many of his good qualities to drift. In his dull, unimaginative way he out-Timoned Timon in misanthropy. He fancied himself followed by a merciless fate, and this was equivalent to courting such a destiny.[26] It is to be regretted

miners and others came in and squatted on the ground claimed by Marshall, regardless of the posted notices warning them off. 'Thirteen of Sutter & Marshall's oxen soon went down into the cañon,' says Marshall, 'and thence down hungry men's throats. These cost $400 per yoke to replace. Seven of my horses went to carry weary men's packs.' The mill hands deserted, and before the mill could be started again certain white men at Murderer's Bar butchered some Indians and ravished their women. The Indians retaliated and killed four or five white men. So far it was an even thing; the white men had met only their just deserts. But the excuse to shoot natives was too good to be lost. A mob gathered, and failing to find the hostile tribe, attacked the Culumas, who were wholly innocent and friendly, and many of them at work about the mill. Of these they shot down seven; and when Marshall interfered to defend his people, the mob threatened him, so that he was obliged to fly for his life. After a time he returned to Coloma only to find the place claimed by others, who had laid out a town there. Completely bankrupt, Marshall was obliged to leave the place in search of food, and soon he was informed that the miners had destroyed the dam, and stolen the mill timbers, and that was the end of the saw-mill. 'Neither Marshall, Winters, nor Bayley ever received a dollar for their property.' *Parsons' Life of Marshall*, 188.

[25] 'To save him, I procured and secreted a horse, and with this he escaped.' Affidavit of John Winters, in *Parsons' Life of Marshall*, 178. See also Marshall's statement, in *Dunbar's Romance of the Age*, 117–23.

[26] 'I wandered for more than four years, he continues, . . . 'feeling myself under some fatal influence, a curse, or at least some bad circumstances.'

that he sank also into poverty, passing the last twenty-eight years of his life near Coloma, the centre of his dreams, sustained by scanty fare and shadowy hopes of recognition.[27]

Finally he breaks forth: 'I see no reason why the government should give to others and not to me. In God's name, can the circumstance of my being the first to find the gold regions of California be a cause to deprive me of every right pertaining to a citizen from under the flag?' These, I say, are not the sentiments of a healthy mind. The government was not giving more to others than to him. One great trouble was, that he early conceived the idea, wholly erroneous, that the government and the world owed him a great debt; that but for him gold in California never would have been found. In some way Marshall became mixed up with that delectable association, the Hounds. Of course he denies having been one of them, but his knowledge of their watchword and other secrets looks suspicious. Judging entirely by his own statements, particularly by his denials, I deem it more than probable that he was a member of the band.

[27] Returning to Coloma in the spring of 1857, he obtained some odd jobs of work sawing wood, making gardens, and cleaning wells. Then for $15 he purchased some land of little value on the hill-side adjacent and planted a vineyard. He obtained for some years a small pension from the state. 'An object of charity on the part of the state,' says Barstow, *Stat.*, MS., 14. Sutter, *Pers. Rem.*, MS., 205, says the same. The *Elko Independent*, Jan. 15, 1870, states that he was then living at Kelsey's Diggings. 'He is upward of fifty years of age, and though feeble, is obliged to work for his board and clothes, not being able to earn more.' Mr E. Weller writes me in Aug. 1881 from Coloma: 'Mr Marshall is living at Kelsey, about three miles from this place. He has a small orchard in this place which he rents out for $25 per year. He was never married. He is trying a little at mining, but it is rather up-hill work, for he is now a feeble old man.' He died in August 1885, aged 73. Among authorities referring to him are *Barstow's Stat.*, MS., 14; *Burnett's Rec.*, MS., ii. 10; *Crosby's Events in Cal.*, MS., 17; *Annals of S. F.*, 767, where may be found a poor portrait; *Sutter's Pers. Rec.*, MS., 160 and 205–6; *Powers' Afoot*, 292–3; *Schlagintweit, Cal.*, 216. The *Sac. Record-Union*, Jan. 20, 1872, states that he was 'forced in his old age to eke out a scanty subsistence by delivering rough lectures based upon his wretched career.' Further references, *Grass Valley Union*, April 19, 1870; *Santa Cruz Sentinel*, July 17, 1875; *Folsom Telegraph*, Sept. 17, 1871; *Solano Republican*, Sept. 29, 1870; *Napa Register*, Aug. 1, 1874; *Vallejo Chron.*, Oct. 10, 1874; *Truckee Tribune*, Jan. 8, 1870; *S. F. Alta Cal.*, May 5, 1872, and Aug. 17, 1874; *S. F. News Letter*, July 19, 1879; *History of Nevada*, 78; *S. F. Bulletin*, Dec. 6, 1855; Aug. 10–14, 1885; *Yolo Co. Hist.*, 86; *Tinkham's Hist. Stockton*, 108; *Lancey's Cruise of the Dale*, MS., 66; *San Joaquin County Hist.*, 20; *Sutter Co. Hist.*, 21. *The Romance of the Age, or the Discovery of Gold in California, by Edward E. Dunbar*, New York, 1867, was written with the view of securing government relief for Sutter. Dunbar writes graphically, and begins his book with these words: 'Somebody has said that history is an incorrigible liar.' If all history were written as Mr Dunbar writes, I should fully agree with him. Little that is reliable has been printed on Marshall and the gold discovery, eye-witnesses, even, seemingly forgetting more than they remember. The most important work upon the subject is the *Life and Adventures of James W. Marshall*, by George Frederic Parsons, published in Sacramento by James W. Marshall and W. Burke, in 1870. The facts here brought out with the utmost clearness and discrimination were taken from those best knowing them. George Frederic Parsons was born at Brighton, England, June 15, 1840. He was educated at private schools. Having spent five years at sea, during which he several times visited the East Indies, he was attracted by the

With regard to Sutter, his position and possibilities, there was within reach boundless wealth for him, could he have seized it; his fall was as great though not so rapid as Marshall's. Out of the saw-mill scheme he came well enough, gathering gold below Coloma, and selling his half-interest in the mill for $6,000. His troubles began at the flour-mill. After he had expended not less than $30,000 in a vain attempt to complete it, it went to decay.[28] The men in the

reports of the gold-fields of Cariboo in 1862, and made an expedition thither. Returning from the mines unsuccessful, he entered journalism in Victoria, V. I. In 1863 he started a paper called the *North Pacific Times*, at New Westminster, B. C. The population was too small to support it, and it was abandoned in a few months. He then went to San Francisco, and joined the staff of the *Examiner*. In 1867 he left that paper to take a position on the *S. F. Times*. Entering the local staff, he finally became the chief editorial writer of the paper, and occupied that post when it was merged in the *Alta*. This occurred at the end of 1869, and the same winter Mr Parsons assumed editorial control of the Sacramento *Record*, a republican journal. He continued to edit the *Record* until it was consolidated with the Sacramento *Union* as the *Record-Union*, and subsequently to that until 1882, when he left California and accepted a position on the editorial staff of the New York *Tribune*. Mr Parsons was married in 1869, and had one daughter, Melami, who died in 1881 of typhoid fever. He was a contributor to the *Overland Monthly* during the editorship of Bret Harte, and has written several short items besides magazine articles, ordinary press work, reviews, and his life of Marshall. Mr Parsons' life has been notable for its quietness and evenness. I have not known a journalist in the field of my history superior, if equal, to him in philosophic insight, knowledge of men and things, critical familiarity with literature, or power and charm of style. He is not a man, however, who would ever parade his name before the public. Personal notoriety is repellant to him. Considering his capacity and character, the people of the whole country are to be congratulated that he has taken an editorial place on the *Tribune*, a journal of splendid talent and national influence, as the sphere of his influence is thus greatly enlarged. Mr Parsons is a man of solid accomplishments and sterling integrity. He is preëminently a hater of shams in politics or society. It would be to the advantage of the people of the United States if editors like him were more numerous.

[28] 'My grist-mill never was finished. Everything was stolen, even the stones. There is a saying that men will steal everything but a mile-stone and a mill-stone. They stole my mill-stones. They stole the bells from the fort, and gate-weights; the hides they stole, and salmon-barrels. I had 200 barrels which I had made for salmon. I was just beginning to cure salmon then. I had put up some before, enough to try it, and to ascertain that it would be a good business. Some of the cannon at the fort were stolen, and some I gave to neighbors that they might fire them on the 4th of July. My property was all left exposed, and at the mercy of the rabble, when gold was discovered. My men all deserted me. I could not shut the gates of my fort and keep out the rabble. They would have broken them down. The country swarmed with lawless men. Emigrants drove their stock into my yard, and used my grain with impunity. Expostulation did no good. I was alone. There was no law. If one felt one's self insulted, one might shoot the offender. One man shot another for a slight provocation in the fort under my very nose. Philosopher Pickett shot a very good man who differed with him on some ques-

fields asked for more and more pay, until a demand for ten dollars a day compelled Sutter to let them go. These were the first to leave him; then his clerk went, then his cook, and finally his mechanics.[29] At the tannery, which was now for the first time becoming profitable, leather was left to rot in the vats, and a large quantity of collected hides were rendered valueless. So in all the manufactories, shoe-shop, saddle-shop, hat and blacksmith shops, the men deserted, leaving their work in a half-finished state. Where others succeeded he failed; he tried merchandising at Coloma, but in vain, and retired in January 1849. The noise of interlopers and the bustle of business about the fort discomfited the owner, and with his Indians he moved to Hock Farm, then in charge of a majordomo. Sutter evidently could not cope with the world, particularly with the sharp and noisy Yankee world.[30]

Tenfold greater were Sutter's advantages to profit by this discovery than were those of his neighbors, who secured rich results. With a well-provisioned fortress adjacent to the mines, a large grant of land

tion.' *Sutter's Pers. Rem.*, MS., 195-6. All Sutter's pains in establishing industries went for nothing. *Burnett's Rec.*, MS., ii. 13; *Thornton's Or. and Cal.*, ii. 270; *Sac. Ill.*, 7; *Browne's Res.*, 15; *Gold Hill News*, April 16, 1872; *Larkin's Docs*, MS., vi. 63.

[29] 'The Mormons did not like to leave my mill unfinished,' Sutter remarks, 'but they got the gold fever like everybody else.' *Hutchings' Mag.*, ii. 197. See also *Santa Cruz Sentinel*, July 17, 1875.

[30] As a matter of fact, the Swiss had nothing whatever to complain of. He was his own greatest enemy. His representations of the disastrous effect upon him of the gold discovery were greatly exaggerated. They were by no means so bad as he wished them to appear. During harvest-time in the year of discovery he was much better off than his neighbors, who never asked indemnification from the government. Says Col Mason, who was there in July: 'I before mentioned that the greater part of the farmers and rancheros had abandoned their fields to go to the mines; this is not the case with Capt. Sutter, who was carefully gathering his wheat, estimated at 40,000 bushels. Flour is already worth at Sutter's $36 a barrel, and soon will be $50. It was reported that Capt. Sutter's crop of wheat for 1846 would be 75,000 bushels.' *Sherwood's Pocket Guide to Cal.*, 18. He had received liberally from the Mexican government what was liberally ratified by the American government. Far more manly, not to say respectable, would it have been had he lived modestly on some small portion of the fruit of his labors, or of good fortune, instead of spending his old age complaining, and importuning the government for alms. Everything had been given him, fertile lands, and golden opportunity. With these he should have been content. In return—I gladly record it—he gave aid to suffering emigrants, and nobly exercised a bounteous hospitality, and that to many who afterward treated him vilely.

stocked with cattle and horses—land on which shortly after began to be built the second city in the state—and with broad fields under cultivation; with a market, at fabulous prices, for everything he could supply—he should have barrelled a schooner-load of gold-dust, even though the emigrants did encroach on his claims, settle on his land, steal his horses and other effects, and butcher some of his cattle and hogs. Further than this, it was not until more than a year after the discovery, during which time the owner of New Helvetia abandoned his duties and let things drift, that any serious inroads were made on his droves of wild and uncared-for cattle. The truth is, had the grand discovery been less, Sutter's loss would have been less; had the discovery been quite small, Sutter's profit from it would have been great. In other words, Sutter was not man enough to grasp and master his good fortune.

There are those who have deemed it their duty to censure California for not doing more for Sutter and Marshall. Such censure is not only unjust, but silly and absurd. There was no particular harm in flinging to these men a gratuity out of the public purse, and something of the kind was done. It was wholly proper to hang a portrait of Sutter in the hall of the state capitol beside that of Vallejo and others.

If there are any who wish to worship the memory of Marshall, let his likeness be also placed in the pantheon. It is all a matter of taste. But when outside critics begin to talk of duty and decency on the part of the state, it is well enough to inquire more closely into the matter, and determine just what, if anything, is due to these men.

When a member of the commonwealth by his genius or efforts renders the state a great service, it is proper that such service should be publicly acknowledged, and if the person or his family become poor and need

pecuniary aid, the state should give it liberally and ungrudgingly. The people of California are among the most free-hearted and free-handed of any in the world; there never has been any popular feeling against Marshall and Sutter; that more was not given them was neither a matter of money nor a matter of ill-will or prejudice. The question was simply asked, What had these men done to entitle them to lavish reward on the part of the people? To one of them, and him a foreigner, was secured by the general government a title to princely possessions in the midst of princely opportunities. That he failed to secure to himself the best and most lasting advantages of his position, and like a child let go his hold on all his vast possessions, was no fault of the people, and entitles him to no special sympathy. Marshall, made of quite common clay, but still a free-born American citizen, with rights equal to the best, happened to stumble on gold a week, or a month, or six months before some one else would certainly have done so. The fame of it was his, and as much of the gold as he chose to shovel up and carry away. There was not the least merit on his part connected with the event. That he failed to profit by his opportunity, assuming that the world, by reason of the immortal accident, owed him a great debt which it would not pay; that he became petulant, half-crazed, and finally died in obscurity—was no fault of the people. Any free-born American citizen has the right to do the same if he chooses. I grant that he as well as Sutter could justly claim recompense for spoliation by mobs—though there is no evidence that they ever suffered greatly at the hands of mobs—and the continuance of the temporary pension granted them would not have been particularly objectionable, on grounds similar to those applied to Hargrave, the Australian gold-finder. The services of the latter, however, had the consecration of a self-imposed task—exploration with an aim. As a blind

instrument in the hands of inevitable development, as a momentary favorite of fortune, I concede Marshall every credit. I also admit that Sutter, as the builder of a great establishment in the wilderness, with industries supporting numerous dependents, thus bringing the truest method of culture to savages, and as the promoter of the undertaking at Coloma, is entitled to a share in the recognition which must connect him with the accidental founders of the golden era of California. But to talk of injustice or niggardliness on the part of the state of California; to imply that there was any necessity for either of these men to throw themselves away, or that the people of California did not feel or do rightly by them—is, as I said before, silly and absurd.[31]

[31] Fuller references for the preceding six chapters are: *Bidwell's Cal. in 1841-8*, MS., passim; *Galindo, Apuntes*, MS., 68-9; *Buffum's Six Months*, 45-6, 50, 53-5, 67-9, 104-5, 126-38; *Dunbar's Romance of the Age*, 92-100, 103, 107-16; Kip, in *Overland Monthly*, ii. 410; *Zamacois, Hist. Méj.*, x. 1141; *Ferry, Cal.*, 103-4, 315-20; *Illust. Napa Co.*, and *Hist. Napa and Lake*, passim; *Annals of S. F.*, 130-2, 174, 210, 311, 407, 486; *Arch. Cal., Unbound Docs*, MS., 141, 318, 408-11; *Clyman's Diary*, MS.; *Colton's Three Years*, 266, 451; *Revere's Tour of Duty*, 228-52; *Castañares, Col. Doc.*, MS., 23; *Vallejo (S.), Notas Históricas*, MS., 35; *Hall's Hist.*, 192-3; *Findla's Statement*, MS., 5-7; *Tinkham's Hist. Stockton*, 1-50, 71-4, 108-15, 303; *U. S. Gov. Docs*, H. Ex. 17, 528-36, 561; *Farnham's Cal.*, 354-6; *Dwinelle's Add. before Pioneers*, 1866, 28; *Hancock's Thirteen Years*, MS., 121-2; *Yolo Co. Hist.*, passim; *Dana's Two Years*, 324; *Coast Review*, iv. 73-5, 217, 265-8; v. 25-8, 65-8, 107-8; *Treasury of Travel*, 99-101; *Napa Register*, Aug. 1, 1874; *First Steamship Pioneers*, 368; *Janssens, Vida y Avent.*, MS., 198-200; *Johnson's Cal. and Or.*; *Coutt's Diary*, MS., passim; *Slocum and Co.'s Contra Costa Co. Hist.*, passim; *Foster's Gold Regions*, 17-22; *Yuba Co. Hist.*, 33-7, 107, 129-30; *Coronel, Cosas de Cal.*, MS.; *Hist. Atlas Alameda Co.*, 17-26; *Revue des Deux Mondes*, Feb. 1, 1849; *Tyler's Mormon Battalion*, 333; *Tuthill's Cal.*, 226-34; *Wood's Hist. Alam. Co.*, passim; *Bandini, Apuntes Hist. Alta Cal.*, MS., 7, 17-19, 48-9; *Schuck's Scrap-Book*, 76-83; *Tullidge's Life of Young*, 203-4, 207-8; *Hist. Marin Co.*, passim; *Sac. Direct.*, 1871, 17; *Frignet, Hist. Cal.*, 79-80; *Palmer's Wagon Trains*, MS., 43; *Truckee Tribune*, Jan. 8, 1870; *Browne's Mining Res.*, 13-16; *Cal. Pioneers, Celebration Scraps*; *Herbert Ainslie's Journal*, Panamá, Feb. 1849; *Bryant's What I Saw in Cal.*, 451, etc.; *Gold Hill News*, Apr. 16, 1872; *Capron's Cal.*, 184-8; *Auger, Voy. en Cal.*, 149-56; *Baxter's W. Coast Amer.*, 408; *Oroville Mercury*, Dec. 31, 1875; *Birnie's Biog.*, in *Pion. Arch.*, 93-4; *Monterey Herald*, Oct. 15, 1875; *Cal. Past and Pres.*, 72-105; J. Ross Browne, in *Overland Monthly*, xv. 345; *Wells' Hist. Butte Co.*, 129; *Calistoga Tribune*, Apr. 4, 11, 12, 1872; Coloma Argus, in *Hittell's Handbook*, 14; *Thompson and West's Hist. Sac. Co.*, passim; *Utah, Hdbk of Ref.*, 65; *Frost's Hist. Cal.*, 39-55; *Dept Rec.*, MS., ix. 136; *Elliott & Co.'s Hist. Ariz.*, 190; *Centenn. Book Alam. Co.*, 37-56; *Colusa Co. Hist.*, 25-36; *Placer Times*, vol. i. no. 48, p. 2; *Velasco, Sonora*, 288-97; *Bol. Soc. Mex. Geog.*, xi. 108-9; *Alam. Encinal*, March 2, 1878; *Butte Co. Illust.*, 127-9; *Carver's Travels*, 122; *Willey's Pers. Mem.*,

MS., 19–26; *Id., Thirty Years*, 26; *Salt Lake City Trib.*, June 11, 1879; *Bancroft's Pers. Obs.*, MS., 171; *Illust. of Contra Costa Co.*, 4–33; *Whitney's Metallic Wealth*, pp. xxi.–xxxii.; J. J. Warner, in *Alta Cal.*, May 18, 1868; *Austin Reese Riv. Reveille*, July 17, 1864, Aug. 10, 1865, Jan. 29, 1872; *Cal. Chronicle*, Jan. 28, 1856; *Prescott Miner*, Nov. 22, 1878; *Niles' Reg.*, lxiii. 96; lxxv., index "gold mines;" *Cronise's Nat. Wealth*, 109; *Culver's Sac. City Direct.*, 71; *Barnes' Or. and Cal.*, MS., 11; George M. Evans, in the *Oregon Bulletin*, Jan. 12, 1872, from *Antioch Ledger*, Feb. 3, 1872, and *Mendocino Dem.*, Feb. 1, 1872; *Hunt's Merch. Mag.*, xxxi. 385–6; *Barstow's Stat.*, MS., 14; *Carson State Reg.*, Jan. 27, 1872; *Castroville Argus*, Sept. 7, 1872; *Wortley's Travels in U. S.*, 223; *Sac. Illust.*, 7; *Lo Que Sabe*, MS.; *Green's Life and Advent.*, 17; *Trinity Journal*, Weaverville, Feb. 1, 1868; June 20, 1874; *Gilroy Advocate*, Apr. 24, 1875; *Lake Co. Bee*, March 8, 1873; *Monitor Gazette*, Aug. 19, 1865; *Los Angeles W. News*, Oct. 26, 1872; *Marshall's Discov. of Gold*, in *Hutchings' Mag.*, ii. 200; *U. S. Gov. Docs*, 30th cong. 2d sess., H. Ex. Doc. 1, pt i. 9–10, 51–69, in *Mex. Treaties*, vii. no. 9; *Hist. Napa and Lake Counties*, passim; *Russ' Biog.*, MS., 5; *Oakland Times*, March 6, 1880; *Hardy's Trav. in Mex.*, 331–2; *S. I. News*, ii. 134, 142, 146–7, 151, 158–66, 193–4; *Oroville W. Mercury*, Dec. 31, 1875; *New Tacoma W. Ledger*, Oct. 8, 1880; *Harte's Skaggs' Husbands*, 299–309; *Cal. Star*, passim; *Californian*, passim; *Cal. Star and Californian*, 1848, passim; *S. F. Direct.*, 1852–3, 8–9; *Ross' Stat.*, MS., 14; *Rul (Miguel), Consult. Diputado*, 60; *Red Bluff Indep.*, Jan. 17, 1866; *Henshaw's Hist. Events*, 4–6; *Herald*, Nov. 24, 1848; Jan. 26, 1849; *Marin Co. Hist.*, 52–3; *Sac. Rec.-Union*, Jan. 20, 1872, Aug. 28, 1880; *S. Diego Arch., Index*, 92; *S. Diego Union*, June 2, 1875; *Nevada Gaz.*, Jan. 22, 1868; *S. F. Call*, Sept. 16, 1870; Sept. 23, 1871; *S. Joaquin Co. Hist.*, passim; *S. F. News Letter*, Sept. 11, 1875; *S. F. Post*, Apr. 10, 1875; *Rosway, Métaux*, 209–406; *Sac. Daily Union*, Apr. 27, 1855; June 5, 1858; Oct. 24, 1864; June 7, 1867, etc.; *S. F. Pac. News*, Oct. 28, 1850; *S. F. Stock Rept*, March 19, 1880; *Pfeifer's Sec. Journey*, 290; *Illust. Hist. San Mateo Co.*, 4–16; *San Joaquin Valley Argus*, Sept. 12, 1874; C. E. Pickett, in *Cal. Chron.*, Jan. 28, 1856; *Powers' Afoot*, 290–2; *S. F. Jour. of Comm.*, Aug. 30, 1876; *Hist. Atlas Santa Clara Co.*, 9–10, 32–34, 77–81, 96–98, 116–26, 174–218, 244–77, 328–35, 484–8, 543–4; *Hist. Santa Cruz Co.*, 7–49; *S. José Pioneer*, Jan. 27, 1877; Jan. 19, 1878; *S. F. Picayune*, Oct. 12, 1850; *S. F. Herald*, Dec. 31, 1855; *S. F. New Age*, June 22, 1867; *Quigley's Irish Race*, 146; *Sherman's Mem.*, i. 40–58; *Scala, Nouv. Ann. Voy.*, cxx. 362–5; cxliii. 245; cxliv. 382–90; cxlvi. 118–21; *Saxon's Five Years*, passim; *Sherwood's Cal; Grass Valley Union*, Apr. 19, 1870; *Simpson's Gold Mines*, 4–5, 17; *Holinski, La Cal.*, 142–4; *Friend* (Honolulu), July 1, 1848, Nov. 1, 1848, May 1, 1849, etc.; *Scientific Press*, May 11, 1872; *Hist. Sonoma Co.*, passim; *Hist. Atlas Sonoma Co.*, passim; *Stillman's Golden Fleece*, 19–27; *Stockton Indep.*, Oct. 9, 1869; Sept. 14, 1872; Oct. 19, 23, 1875; Dec. 6, 1879; *Smith's Address to Galveston*, 14; *El Sonorense*, May 16, 1849; *Clark's Statement*, MS.; *Hughes' Cal.*, 119; Sutter, in *Hutchings' Mag.*, ii. 194–7; *Taylor's Eldorado*, i. 73; Thomas Sprague, in *Hutchings' Mag.*, v. 352; *Quart. Review*, xci. 507–8; 1850, no. 87, p. 416; *Santa Cruz Sentinel*, July 17, 1875, May 29, 1880; *Hist. Tehama Co.*, 11–15, 53, 109–12; *Méx. Mem. Sec. Est. y Rel.*, 1835, no. 6; *Mendocino Co. Hist.*, 52–3; *Monterey Herald*, Oct. 15, 1875; *S. F. Chron.*, Jan. 8, Sept. 19, 1880; *Simonin, Grand Quest*, 286–9; *Id., La Vie Souterraine*, 309; *Merced People*, June 8, 1872; McKune, in *Cal. Assoc. Pioneer*, 1st Annual, 42; *South. Quart. Rev.*, viii. 199; *S. F. Bulletin*, Dec. 6, 1855; Oct. 2, Dec. 7, 31, 1858; Aug. 13, 1859, etc.; *S. F. Alta Cal.*, Oct. 15, 1851; May 3, Nov. 21, 1852; June 29, 1854; Dec. 22, 1855; July 31, 1856; March 28, Nov. 11, 1857, etc.; *Hist. Atl. Sol. Co.*, passim; *Hist. Solano Co.*, passim; *Seattle Intelligencer*, June 6, 1874; *Hunt's Mer. Mag.*, xx. 91, 111, 209; xxi. 567–8; xxii. 226–7, 321; xxiv. 768; xxxiv. 631–2; J. W. Marshall, in *Hutchings' Mag.*, ii. 199–201; *Mining Rev.*, 5; *Mining Rev. and Stock Ledger*, 1878, 126; *Hist. Sutter Co.*, 21–2; *Hutchings' Mag.*, ii. 196–201; iv. 340; *U. S. Gov. Docs*, H. Ex. Doc. no. 5, p. 158; no. 17, passim; *Mason's Repts*, July 19, Aug.

17, 1848; *Hayes' Coll. Mining Cal.*, i. 1, 50; *Id.*, *Coll. Mining Scraps*, v. 2, 3, 17, 175; *Id.*, *Coll. Cal. Notes*, iii. 7–8; v. 17; *Barry's Up and Down*, 92–3; *Robinson's Cal. and its Gold Regions*, 17–27, 47–8; *Id.*, *Life in Cal.*, 190; *Duflot de Mofras, Expl. Or. et Cal.*, i. 137; *Wilkes' Narr. U. S. Ex. Exped.*, v. 181, 190, 195; *Dally's Narr.*, MS., 53; *Osio, Hist. Cal.*, MS., 506; *Bigler's Diary of a Mormon*, MS., passim; *Vallejo, Docs*, MS., i. 140–1, 369–70; xii. 332; *Gillespie's Vig. Com.*, MS., passim; *Alvarado, Hist. Cal.*, MS., i. 77; iv. 161; *Sutter's Pers. Rem.*, MS., passim; *Id.*, *Diary*, MS., passim; *Burnett's Recoll. Past*, MS. i.–ii. passim; *Amador, Memorias*, MS., 177–80; *Larkin's Docs*, MS., i. 116; iii. 98; iv. 318; v. 25; vi. passim; vii. 28, 80; *Id.*, *Off. Corresp.*, MS., i. 96; ii. 131–41; *Carson's Early Recoll.*, passim; *Polynesian*, iv. 114, 137; v. passim; *Crosby's Events in Cal.*, MS., 2, 3, 17–19; *Hittell's Handbook Mining*, passim; *Frisbie's Reminiscences*, MS., 30–32, 34–36.

CHAPTER VII.

BROADER EFFECTS OF THE GOLD DISCOVERY.

1848–1849.

The Real Effects Eternal—How the Intelligence was Carried over the Sierra—To the Hawaiian Islands—British Columbia—Oregon and Washington—The Tidings in Mexico—Mason's Messenger in Washington—California Gold at the War Office—At the Philadelphia Mint—The Newspaper Press upon the Subject—Bibliography—Greeley's Prophecies—Industrial Stimulation—Overland and Oceanic Routes—General Effect in the Eastern States and Europe—Interest in Asia, South America, and Australia.

The full and permanent effects of the California gold discovery cannot be estimated. All over the world impulse was given to industry, values changed, and commerce, social economy, and finance were revolutionized. New enlightenment and new activities succeeded these changes, and yet again followed higher and broader developments. It was the forerunner of like great discoveries of the precious metals elsewhere, in Australia, in Nevada and Idaho and Montana, in British Columbia and Alaska. There had been nothing like it since the inpouring of gold and silver to Europe, following the discovery of the New World by Columbus. It is not in its fullest, broadest sense, however, that the subject is to be treated in this chapter. The grand results can only be appreciated as we proceed in our history. It is rather the reception of the news in the different parts of the world, and the immediate action taken upon it, that I will now refer to.

By various ways intelligence of the gold discovery

travelled abroad. The Mormons carried it over the Sierra, scattered it among the westward-bound emigrants, and laid it before the people of Salt Lake, whence it passed on to the east. Definite notice was conveyed overland by the courier despatched specially by the people of San Francisco, on the 1st of April, 1848, to carry letters, and to circulate in the states east of the Mississippi the article prepared by Fourgeaud on the Prospects of California, and printed in the *California Star* of several issues, in order to stimulate emigration.[1]

The first foreign excitement was produced in the Hawaiian Islands. With this western ocean rendezvous San Francisco merchants had long maintained commercial relations, and they now turned thither for supplies incident to the increased demand growing out of the new development. By the intelligence thus conveyed, the hearts and minds of men were kindled into a glow such as Kilauea or Manua Haleakala never had produced.[2]

[1] The recent discovery of Marshall played no part whatever in originating the article and the enterprise. A mere allusion was made to the finding of gold; and nothing more was thought of it than the known presence of a dozen other minerals, nor half so much as of the agricultural and manufacturing possibilities.

[2] As a forerunner announcing the new Inferno, with two pounds of the metal as tangible proof, sailed from S. F. May 31st the Hawaiian schooner *Louise*, Menzies master, arriving at Honolulu the 17th of June. In a half-column article the editor of the *Polynesian*, of June 24th, makes known the facts as gathered from the California papers, and congratulates Honolulu merchants on the prospect of the speedy payment of debts due them by Californians, 'probably not less than $150,000.' By the store-ship *Matilda* from New York to Honolulu, touching at Valparaiso, Callao, and Monterey, Mr Colton writes to Mr Damon, who publishes the letter in the *Friend* of July, with a few editorial comments. Afterward arrived the Spanish brig *Flecha*, Vasquez master, from Santa Bárbara, the Hawaiian brig *Euphemia*, Vioget master, from S. F., and others. The Hawaiian schooner *Mary*, Belcham master, though sailing from S. F. before the *Louise*, did not arrive at Honolulu until the 19th. *Ib.*, *The Friend*, July 1848. In its issue of July 8th, the *Polynesian* speaks of the rising excitement and the issuing of passports, except to absconding debtors, by the minister of foreign relations to those wishing to depart. 'The fever rages high here,' writes Samuel Varney, the 15th of July, to Larkin, 'and there is much preparation made for emigration.' *Larkin's Docs*, MS., vi. 145. The file of the *Polynesian* runs on as follows: July 15th, one crowded vessel departed the 11th, and half a dozen others are making ready; 24 persons give notice of their intention to depart this kingdom; 200 will probably leave within two months if passage can be procured. Aug. 5th, 69 passports have been granted, and as many

Before it could scale the northern mountains the news swept round to Oregon by way of Honolulu, and was thence conveyed by the Hudson's Bay people to Victoria and other posts in British Columbia, to forts Nisqually and Vancouver, reaching Oregon City early in August.[3] The first doubts were dissipated by increased light upon the subject, and streams of population set southward, both by land and water, until more than half of Oregon's strength and sinew was emptied into California.[4]

more have left without passports. Aug. 26th, three vessels sailed within a week; one man set out in a whale-boat. Sept. 23d, excitement increases. A vessel advertises to sail, and immediately every berth is secured. Sept 30th, real estate a drug in the market. Business low; whole country changed. Books at an auction will not sell; shovels fetch high prices. Common salutation, When are you off? Oct. 7th, the *Lahaima* sails with 40 passengers. *Honolulu* to sail the 9th, and every berth engaged. Heavy freight $40 per ton; cabin passage $100, steerage $80, deck $40. Oct. 21st, 27 vessels, aggregating a tonnage of 3,128, have left Honolulu since the gold discovery, carrying 300 Europeans, besides many natives. The Islands suffer in consequence. Oct. 28th, natives returning, some with $500. Five vessels to sail with 15 to 40 passengers each. The *Sandwich Island News* of Aug. 17th states that upward of 1,000 pickaxes had been exported from Honolulu. The excitement continued in 1849, when, according to *Placer Times*, June 2, 1849, nine schooners and brigs, and a score of smaller craft, were fitting out for Cal. *The Friend*, vii. 21, viii. 28, speaks of more than one party of sailors absconding in small craft.

[3] In the Willamette about that time, loading with flour, was a S. F. vessel, the *Honolulu*, whose master knew of it, but kept it to himself until his cargo was secured. In searching the files current of the Hawaiian journals, I find among the departures for the north the following: June 8th, the American brig *Eveline*, Goodwin master, for Oregon, too early for definite information; June 20th, Russian bark *Prince Menshikoff*, Lindenberg, for Sitka; July 5th, American bark *Mary*, Knox master, for Kamchatka; and July 15th, H. B. M. brig *Pandora*, destination unknown, and English brig *Mary Dare*, Scarborough master, for the Columbia River. It was undoubtedly by this ship that the news was brought, and the fact of her clearance for the Columbia River did not prevent her first visiting Nisqually. Mr Burnett is probably mistaken in saying that he heard of it in July; as that, according to his own statement, would allow but a fortnight for the transmission of the news from the Islands to the Willamette River—not impossible, but highly improbable. See *Hist. Oregon*, vol. i. chap. xxxiv., this series; *Crawford's Nar.*, MS., 166; *Victor's River of the West*, 483-5; *Californian*, Sept. 2, 1848.

[4] Estimated white population of Oregon, midsummer, 1848, 10,000. 'I think that at least two thirds of the population of Oregon capable of bearing arms left for Cal. in the summer and fall of 1848.' *Burnett's Rec.*, MS., i. 325. A letter from L. W. Boggs to his brother-in-law, Boon, in Oregon, carried weight and determined many. By the end of the year, says the *Oregon Spectator*, 'almost the entire male and a part of the female population of Oregon has gone gold-digging in California.' Gov. Abernethy, writing to Col. Mason Sept. 18th, said that not less than 3,000 men had left the Willamette Valley for Cal. *Arch. Cal.*, *Unbound Docs*, MS., 141. *Star and Cal.*, Dec. 9, 1848, assumes that about 2,000 arrived in 1848. One of the first parties to set out—the first, indeed with vehicles, and preceded only by smaller com-

Mexico, particularly in her northern part, though crushed by the late war, still shared the distemper. "The mania that pervades the whole country, our camp included," writes an army officer, "is beyond all description or credulity. The whole state of Sonora is on the move, large parties are passing us in gangs daily, and say they have not yet started." Indeed, but for national indolence and intervening deserts, the movement might have far surpassed the 4,000 which left before the spring of 1849.[5]

panies with pack-animals—consisted of 150 men, with 50 wagons and ox-teams, a supply of provisions for six months, and a full assortment of tools and implements. This expedition was organized at Oregon City, early in Sept., by Peter H. Burnett, afterward gov. of Cal. It followed the Applegate route eastward toward Klamath Lake, thence along Lassen's trail from Pit River, entering the Sac. Valley near the mouth of Feather River, and reaching the mines in Nov. This was the general direction; though as usual on such occasions, the party differed in opinion as to the route to be followed, and divided before the end of their journey. Burnett, *Recollections*, MS., i. 323–70, gives a detailed account of the trip. Gen. Palmer, *Wagon Trains*, MS., 43, and A. L. Lovejoy, *Portland*, MS., 27–8, who were also prominent members of the expedition, give briefer narratives. The points of difference are, that according to Burnett the expedition was organized in the beginning of Sept. and struck south at Klamath Lake, while Palmer says that, starting in July, the party reached Goose Lake before a southern course was taken. One family accompanied the train. Tom. McKay acted as guide. *Barnes' Or. and Cal.*, MS., 11. Another large party left Oregon City in Sept. on board the brig *Henry*, and reached S. F. the same month, consequently in advance of the land expedition. *Taylor's Oregonians*, MS., 1–2. Both of these early companies were soon followed by others. 'In 1848 [the month is not given], the mining engineer in the Russian Colony, Doroshin, was sent to Cal. with a number of men to open a gold mine, if possible, in the placer regions. In three months he obtained 12 lbs, but did not continue the work, as he feared that his men would run away.' *Golovnin*, *Voyage*, in *Materialin*, pt ii. Douglas was on board the *Mary Dare*, the vessel which brought the information from the Island, but gave it little attention until he saw the people of the north rapidly sinking southward, when he began to fear for his men. Some of them did leave, but the Hudson's Bay Company was a difficult association to get away from. Finlayson, *Hist. V. I.*, MS., 30, 44, tells the oft-repeated story of deserted vessels, and other abandonment of duty, which forced him to draw for seamen and laborers more largely on the natives. Anderson, *Northwest Coast*, MS., 27, 37, first saw an account of the discovery 'in a private letter to Mr Douglas, who had just returned from a trip to the Sandwich Islands.'

[5] *Coutts' Diary*, MS., 113. And the captain goes on to say, in a strain obviously exaggerated: 'Naked and shirt-tailed Indians and Mexicans, or Californians, go and return in 15 or 20 days with over a pound of pure gold each per day, and say they had bad luck and left.' Velasco, *Son.*, 289–91, writes, 'Sin temor de equivocacion,' 5,000 or 6,000 persons left Sonora between Oct. 1848 and March 1849. Yet he reduces this to 4,000, whereof one third remained in Cal. In *Sonorense*, Mar. 2, 23, 28, 30, Apr. 18, May 11, the exodus for Jan. to Feb. 1849 is placed at 1,000, and 700 were expected to pass through from other states. During the spring of 1850, 5,893 left, taking 14,000 animals. *Id.*, Apr. 26, 1850. Up to Nov. 1849 over 4,000 left. *Pinart*,

The news wafted across the continent upon the tongues of devout Mormons, and by the Fourgeaud messenger, was quickly followed by confirmatory versions in letters, and by travellers and government couriers.[6] The first official notice of the discovery was sent by Larkin on June 1st, and received at Washington in the middle of September.[7] At the same time further despatches, dated a month later, were brought in by Lieutenant Beale via Mexico.[8]

Some of these appeared in the New York *Herald* and other journals, together with other less authoritative statements; but the first to create general attention was an article in the Baltimore *Sun* of September 20th; after which all the editors vied with each other in distributing the news, exaggerated and garnished according to their respective fancies and love of the marvellous.[9] Such cumulative accounts,

Coll., MS., iv. 174, no. 1035; *U. S. Gov. Docs*, 31st cong. 2d sess., H. Ex. Doc. i., pt ii. 77. Diary of two parties, in *Soc. Mex. Geog.*, *Bol.*, xi. 126–34; *Hayes' Diary*, MS., 1–7, 82–100. Gov. Gándara sought in vain to check the exodus by warning the people that Mexicans were maletreated in Cal., etc. *Sonorense*, Feb. 2, 21, Oct. 26, 1849. A letter from San José, Lower Cal., tells of closed houses and families consisting only of women and children. The first caravan left in Oct. Many went by sea.

[6] There was a Mr Gray from Virginia at Sutter's Fort, the 16th of April, 1848, who had purchased for himself and associates a silver mine in the San José Valley. Sutter presented to him specimens of the gold, with which he started eastward across the mountains. So Sutter enters in his diary. Rogers begins a letter to Larkin Sept. 14th, 'Since I wrote you by the government messenger, and in duplicate by the Isthmus'—which shows how letters were then sent. *Larkin's Docs*, MS., vi. 177. No mention is herein made of the receipt of the intelligence of the gold discovery. Sherman, *Mem.*, i. 47, gives no date when he says of Kit Carson, who had carried occasional mails, 'He remained at Los Angeles some months, and was then sent back to the U. S. with despatches.'

[7] *Larkin's Docs*, MS., vi. 185. This letter of Larkin, Childs, through whom his correspondence passed, answered the 27th of Sept., sending his reply by Mr Parrott, by way of Vera Cruz and Mazatlan.

[8] He had left Monterey about July 1st for La Paz in the flag-ship *Ohio*, carrying letters from Larkin of June 28th and July 1st to Buchanan and Com. Jones, the latter sending his on to the sec. of the navy with a note of July 28th. All these letters were printed by government, and accompanied the president's message of Dec. 5th. I have referred elsewhere to the overland express which was despatched by way of Salt Lake in April 1848, chiefly for carrying a newspaper edition on the resources of California. G. M. Evans' erroneous account of this mail in the *Oregon Bulletin* has been widely copied. Instance the *Mendocino Democrat*, Feb. 1, 1872, and the *Lake County Bee*, March 8, 1873. *Crosby's Events in Cal.*, MS., 2–3.

[9] The N. Y. *Journal of Commerce* some time after published a communication dated Monterey 29th of August, characteristic of the reports which

reëchoed throughout the country, could not fail in their effect; and when in the midst of the growing excitement, in November or December, one more special messenger arrived, in the person of Lieutenant Loeser, with official confirmation from Governor Mason, embodied in the president's message of December 5th to congress, and with tangible evidence in the shape of a box filled with gold-dust, placed on exhibition at the war office, delirium seized upon the community.[10]

now began to circulate. 'At present,' the writer remarks, speaking of gold-finding in California, 'the people are running over the country and picking it out of the earth here and there, just as 1,000 hogs, let loose in a forest, would root up ground-nuts. Some get eight or ten ounces a day, and the least active one or two. They make the most who employ the wild Indians to hunt it for them. There is one man who has sixty Indians in his employ; his profits are a dollar a minute. The wild Indians know nothing of its value, and wonder what the pale-faces want to do with it; they will give an ounce of it for the same weight of coined silver, or a thimbleful of glass beads, or a glass of grog. And white men themselves often give an ounce of it, which is worth at our mint $18 or more, for a bottle of brandy, a bottle of soda powders, or a plug of tobacco. As to the quantity which the diggers get, take a few facts as evidence. I know seven men who worked seven weeks and two days, Sundays excepted, on Feather River; they employed on an average fifty Indians, and got out in these seven weeks and two days 275 pounds of pure gold. I know the men, and have seen the gold; so stick a pin there. I know ten other men who worked ten days in company, employed no Indians, and averaged in these ten days $1,500 each; so stick another pin there. I know another man who got out of a basin in a rock, not larger than a wash-bowl, 2½ pounds of gold in fifteen minutes; so stick another pin there! No one of these statements would I believe, did I not know the men personally, and know them to be plain, matter-of-fact men—men who open a vein of gold just as coolly as you would a potato-hill.' 'Your letter and those of others,' writes Childs from Washington, Sept. 27th, to Larkin, 'have been running through the papers all over the country, creating wonder and amazement in every mind.' *Larkin's Docs*, MS., vi. 185.

[10] L. Loeser, lieutenant third artillery, was chosen to carry the report of Mason's own observations, conveyed in a letter dated Aug. 17th, together with specimens of gold-dust purchased at $10 an ounce by the quartermaster under sanction of the acting governor, with money from the civil fund. Sherman, *Mem.*, i. 58, says 'an oyster-can full;' Mason, *Revere's Tour*, 242, 'a tea-caddy containing 230 oz., 15 dwts, 9 gr. of gold.' 'Small chest called a caddy, containing about $3,000 worth of gold in lumps and scales,' says the *Washington Union*, after inspection. *Niles' Reg.*, lxxiv. 336. To Payta, Peru, the messenger proceeded in the ship *Lambayecana*, chartered for the purpose from its master and owner, Henry D. Cooke, since governor of the district of Columbia and sailing from Monterey the 30th of Aug. At Payta, Loeser took the English steamer to Panamá, crossed the Isthmus in Oct., proceeded to Kingston, Jamaica, and thence by sailing vessel to New Orleans, where he telegraphed his arrival to the war department. On the 24th of November, about which time he reached N. O., the *Commercial Times* of that city semi-officially confirmed the rumors, claiming to have done so on the authority of Loeser. S. H. Willey, *Personal Memoranda*, MS., 20–1, a passenger by the *Falcon*, thinks it was on Friday, Dec. 14th, that he first heard the news, and

The report of Colonel Mason, as indorsed by the president, was published, either at length or in substance, in the principal newspapers throughout the world.[11] From this time the interest in California and her gold became all-absorbing, creating a restlessness which finally poured a human tide into San Francisco Bay, and sent hundreds of caravans over the plains and mountains.

The political condition gave impulse to the movement, for men's minds were unsettled everywhere: in

that Loeser was there at the time. 'I saw Lieut Loeser,' he says, 'and the gold nuggets in his hand.' This is the time the *Falcon* was at N. O. And yet the president's message accompanied by Mason's report is dated Dec. 5th. Obviously Willey is mistaken in supposing Loeser to have arrived at N. O. after the *Falcon's* arrival; and to reconcile his statement at all, we must hold the messenger at N. O. exhibiting his gold nuggets on the streets for three weeks after his arrival, and for ten days after the information brought by him is sent by the president to congress. The report of Mason accompanying the president's message is given in *U. S. Gov. Docs*, 30th cong. 2d sess., H. Ex. Doc. 1, no. 37, 56–64. The president says: 'It was known that mines of the precious metals existed to a considerable extent in Cal. at the time of its acquisition. Recent discoveries render it probable that these mines are more extensive and valuable than was anticipated. The accounts of the abundance of gold in that territory are of such an extraordinary character as would scarcely command belief were they not corroborated by the authentic reports of officers in the public service, who have visited the mineral district, and derived the facts which they detail from personal observation.' Sherman, *Mem.*, i. 58, consequently errs in assuming that the report did not arrive in time for the message.

[11] 'We readily admit,' says the *Washington Union* the day after Loeser's arrival, 'that the account so nearly approached the miraculous that we were relieved by the evidence of our own senses on the subject. The specimens have all the appearance of the native gold we had seen from the mines of North Carolina and Virginia; and we are informed that the secretary will send the small chest of gold to the mint, to be melted into coin and bars, and most of it to be subsequently fashioned into medals commemorative of the heroism and valor of our officers. Several of the other specimens he will retain for the present in the war office as found in Cal., in the form of lumps, scales, and sand; the last named being of different hues, from bright yellow to black, without much appearance of gold. However sceptical any man may have been, we defy him to doubt that if the quantity of such specimens as these be as great as has been represented, the value of the gold in Cal. must be greater than has been hitherto discovered in the old or new continent; and great as may be the emigration to this new El Dorado, the frugal and industrious will be amply repaid for their enterprise and toil.' On the 8th of Dec., David Garter, from S. F., took to the Phil. mint the first deposit of gold, on which Director Patterson reported that it was worth some cents over $18 an ounce. Assays of specimens sent to private persons gave similar results. *Sherwood's Cal.; Pioneer Arch.*, 161–7; *Brooks' His. Mex. War*, 535. Garter's deposit in the Phil. mint was made the 8th of Dec., and that of the sec. of war on the 9th. The former consisted of 1,804.59 ounces, and the latter of 228 ounces. It averaged .894 fine. Letter of Patterson to Walker, Dec. 11, 1848.

Europe by wars and revolutions, which disturbed all the regions from the Sicilies in the south to Ireland and Denmark in the north; in the United States, by the late war with Mexico, and the consequent acquisition of immense vacant and inviting territories. This especially had given zest to the spirit of adventure so long fostered in the States by the constant westward advance of settlements; and the news from the Pacific served really to intensify the feeling and give it a definite and common direction. The country was moreover in a highly prosperous condition, with an abundance of money, which had attracted a large immigration, and disbanded armies from Mexico had cast adrift a host of men without fixed aim, to whom a far less potent incentive than the present would have been all-sufficient. And so from Maine to Texas the noise of preparation for travel was heard in every town. The name of California was in every mouth; it was the current theme for conversation and song, for plays and sermons. Every scrap of information concerning the country was eagerly devoured. Old works that touched upon it, or even upon the regions adjoining, were dragged from dusty hiding-places, and eager purchase made of guide-books from the busy pen of cabinet travellers.[12] Old, staid, conservative men and

[12] Among the publications of the hour were: *California, and the Way to Get there; with the Official Documents Relating to the Gold Region.* By J. Ely Sherwood, New York, 1848. This for the outside title. The second title says *California, her Wealth and Resources; with Many Interesting Facts respecting the Climate and People.* Following a letter dated Sutter's Fort, Aug. 11, 1848, giving the experiences of a digger, are a few pages smattering of Mexican life. Then come Larkin's letters to Buchanan, and Mason's report, everywhere printed. 'All that portion of the president's message which relates to California' is next given; after which we have a 'Description of the Gold Region,' in which there is no description whatever, a letter of Walter Colton, extracts from the *N. Y. Journal of Commerce* and *Sun*, further correspondence and description, and the memorial of Aspinwall, Stephens, and Chauncey to congress on a proposed Pacific railway. On the last page of the cover are printed from the N. Y. *Herald* 'Practical Suggestions to Persons about to Cross the Isthmus of Panamá.' The whole comprises an 8vo pamphlet of 40 pages, exclusive of the cover. The following year the work assumes a 12mo form of 98 pages in a paper cover, and is called *The Pocket-Guide to California; A Sea and Land Route-Book, Containing a Full Description of the El Dorado, its Agricultural Resources, Commercial Advantages, and Mineral Wealth; including a Chapter on Gold Formations; with the Congressional Map, and the Various Routes and Distances to the Gold Regions. To Which is Added*

women caught the infection, despite press and pulpit warnings. After a parting knell of exhortation for calm and contentment, even ministers and editors shelved their books and papers to join foremost in the throng. Hitherto small though sure profits dwindled into insignificance under the new aspect, and the trader closed his ledger to depart; and so the toiling farmer, whose mortgage loomed above the growing family, the briefless lawyer, the starving student, the quack, the idler, the harlot, the gambler, the henpecked husband, the disgraced; with many earnest, enterprising, honest men and devoted women. These and others turned their faces westward, resolved to stake their all upon a cast; their swift thoughts, like the arrow of Acestes, taking fire as they flew. Stories exaggerated by inflamed imaginations broke the calm of a million hearts, and tore families asunder, leaving

Practical Advice to Voyagers. New York, J. E. Sherwood, publisher and proprietor; California, Berford & Co., and C. W. Holden, San Francisco, 1849. This is a work of more pretensions than the first edition. The first 19 pages are geographical, in the compilation of which Bryant and others are freely drawn from. Letters from Folsom to Quartermaster Jesup, printed originally in the *Washington Globe*, are added. Thirty-one pages of advertisements were secured, which are at once characteristic and interesting. The Union India Rubber Company, beside portable boats and wagon-floats, offers tents, blankets, and all kinds of clothing. Californians are urged to insure their lives and have their daguerreotypes taken before starting. Then there are Californian houses, sheet-iron cottages of the most substantial character, at three days' notice, built in sections; 'oil-cloth roofs at thirty cents per square yard;' bags, matches, boots, drugs, guns, beside outfits comprising every conceivable thing to wear, mess hampers, and provisions. Haven & Livingston advertise their express, Thomas Kensett & Co., and Wells, Miller, & Provost, their preserved fresh provisions; E. N. Kent, tests for gold; half a dozen their gold washers, and fifty others fifty other things. By advertising U. S. passports, Alfred Wheeler intimates that they are necessary. A. Zuruatuza, through his agents, John Bell at Vera Cruz and A. Patrullo, New York, gives notice of 'the pleasantest and shortest route to California through Mexico.' With neither author's name nor date, but probably in Dec. 1848, was issued at Boston, *California Gold Regions, With a Full Account of its Mineral Resources; How to Get there and What to Take; the Expense, the Time, and the Various Routes, etc.* Anything at hand, printed letters, newspaper articles, and compilations from old books, were thrown in to make up the 48 pages of this publication. Yet another book appeared in Dec. 1848, *The Gold Regions of California*, etc., edited by G. G. Foster, 80 pages, 8vo, with a map; the fullest and most valuable eastern publication on Cal. of that year. Beside the official reports so often referred to, there is a letter from A. Ten Eyck, dated S. F., Sept. 1st, and one from C. Allyn dated Monterey, Sept. 15th. There are also extracts from Cal. and eastern newspapers, and from Greenhow, Darby, Wilkes, Cutts, Mofras, Emory, and Farnham.

sorrowing mothers, pining wives, neglected children, with poverty and sorrow to swell their anguish; the departed meanwhile bent on the struggle with fortune, faithful or faithless; a few to be successful, but a far greater number to sink disappointed into nameless graves.

And still the gossips and the prophets raved, and newspapers talked loudly and learnedly of California and her gold-fields, assisting to sustain the excitement.[13] It is no exaggeration to say that, in the great seaport towns at least, the course of ordinary business was almost thrown out of its channels. "Bakers keep their ovens hot," breaks forth Greeley, "night and day, turning out immense quantities of ship-bread without supplying the demand; the provision stores of all kinds are besieged by orders. Manufacturers of rubber goods, rifles, pistols, bowie-knives, etc., can scarcely supply the demand." All sorts of labor-saving machines were invented to facilitate the separation of the gold from gravel and soil. Patented machines, cranks, pumps, overshot wheel attachments, engines, dredges for river-beds, supposed to be full of gold, and even diving-bells, were made and sold. Everything needful in the land of gold, or what sellers could make the buyers believe would be needed, sold freely at high prices. Everything in the shape of hull and masts was overhauled and made ready for sea. Steamships, clippers, schooners, and brigs sprang from the stocks as if by the magician's wand, and the wharves were alive with busy workers. The streets were thronged with hurrying, bustling purchasers, most of them conspicuous in travelling attire of significant aspect, rough loose coats and blanket robes meeting high hunting-boots, and shaded by huge felt hats of sombre color. A large proportion

[13] 'It is coming—nay, at hand,' cried Horace Greeley, in the N. Y. *Tribune;* 'there is no doubt of it. We are on the brink of the Age of Gold! We look for an addition, within the next four years, equal to at least one thousand millions of dollars to the general aggregate of gold in circulation and use throughout the world. This is almost inevitable.'

bore the stamp of countrymen or villagers, who had formed parties of from ten to over a hundred members, the better to face the perils magnified by distance, and to assist one another in the common object. The immediate purpose, however, was to combine for the purchase of machinery and outfit, and for reduced passage rates. Indeed, the greater part of the emigrants were in associations, limited in number by district clanship, or by shares ranging as high as $1,000 each, which in such a case implied the purchase of the vessel, laden with wooden houses in sections, with mills and other machinery, and with goods for trade.[14] In some instances the outfit was provided by a few men; perhaps a family stinted itself to send one of its members, often a scapegrace resolved upon a new life; or money was contributed by more cautious stayers-at-home for proxies, on condition of heavy repayment, or labor, or shares in profits;[15] but as a rule, obligations broke under the strain of varied attractions on the scene, and debtors were lost in the throng of the mines.[16] The associations were too unwieldy and

[14] Among the many instances of such associations is the one entitled Kennebec Trading and Mining Co., which sailed in the *Obed Mitchel* from N. Bedford on March 31, 1849, arrived at S. F. on Sept. 17th, laid out the town of New York, placed the steamer *Gov. Dana* for river traffic, opened a sawmill, etc. *Boynton's MS.*, 1 et seq. The Mattapan and Cal. Trading and Mining Co., of 42 members, left Boston in the *Ann*. Strout's recollections, in *S. F. Post*, July 14, 1877; the Linda Mining and Dredging Assoc. started in the bark *Linda*, with a steamboat and a dredger, the latter for scooping up the metal. Other notable companies were those by the *Edward Everett*, of 152 members, which left Boston in Dec. 1848; *Robert Browne*, which left New York in Feb. '49, with 200 passengers; the Matthewson party, from New York, in March; the Warren party of 30 members, from New York, in Feb.; the *Mary Jane* party. One party of seven left Nantucket in Dec. 1849, in the *Mary and Emma*, of only 44 tons, and arrived safely after 149 days. Others were known by the names of the town or county in which they organized, as Utica, Albany, Buffalo. See details of outfit, passage, etc., in *Warren's Dust and Foam*, 12 et seq.; *Matthewson's Statement*, MS., 1–3; *Cerruti's Ramblings*, MS., 94, and later MS. references; also recollections printed in different journals, as *San José Pioneer*, Dec. 8, 1877, etc.; *Sac. Record-Union*, July 7, 1875, Nov. 26, 1878, etc.; *Shasta Courier*, March 25, 1865, March 16, 1867; *Stockton Indep.*, Nov. 1, 1873; *Alta Cal.*, passim; *Placer Times*, Apr. 28, 1849; *Brown's Statement*, MS., 1; *Hunt's Merch. Mag.*, xxx. 55–64, xxxii. 354–5; *Larkin's Doc.*, vi. 185, 198, etc.

[15] Crosby, *Events Cal.*, MS., 26, was deputed by others to report on the field.

[16] Large sums were recklessly advanced to individuals as well as societies by rich men, stricken by the fever, but declining to go in person. Probably

too hastily organized, with little knowledge of members and requirements, the best men being most eager to escape the yoke.

The overland route was the first to suggest itself, in accordance with American pioneer usage, but this could not be attempted during winter. The sea was always open, and presented, moreover, a presumably swifter course, with less preparations for outfit. The way round Cape Horn was well understood by the coast-dwellers, who formed the pioneers in this movement, familiar as they were with the trading vessels and whalers following that circuit, along the path opened by Magellan, and linked to the explorations of Cortés and Cabrillo. There were also the short-cuts across Panamá, Nicaragua, and Mexico, now becoming familiar to the people of the United States through the agitation for easy access to the newly acquired possessions on the Pacific. For all these vessels offered themselves; and in November 1848 the movement began with the departure of several vessels. In December it had attained the dimensions of a rush. From New York, Boston, Salem, Norfolk, Philadelphia, and Baltimore, between the 14th of December, 1848, and the 18th of January, 1849, departed 61 sailing vessels, averaging 50 passengers each, to say nothing of those sent from Charleston, New Orleans, and other ports. Sixty ships were announced to sail from New York in the month of February 1849, 70 from Philadelphia and Boston, and 11 from New Bedford. The hegira continued throughout the year, and during the winter of 1849 and the spring of 1850

nine out of ten of such loans were lost, less through actual dishonesty than through the extravagant habits among miners, who improvidently reckoned on a future rich find for such demands. Few of the companies held together, even till Cal. was reached; none that I have ever heard of accomplished anything, as an original body, in the mines or towns. If they did not quarrel on the way and separate at any cost, as was generally the case, they found on reaching Cal. that a company had no place there. Every miner was for himself, and so it was with mechanics and laborers, who, if willing to work for wages, received such dazzling offers as to upset all previous calculations and intents. See *Ashley's Journey*, MS., 223, etc.

250 vessels sailed for California from the eastern ports of the United States alone, 45 of which arrived at San Francisco in one day.[17]

In order to supply this demand, shipping was diverted from every other branch of service, greatly to the disarrangement of trade, the whaling business especially being neglected for the new catch.[18] Old condemned hulks were once more drawn from their retirement, anything, in fact, that could float,[19] and fitted with temporary decks to contain tiers of open berths, with tables and luggage-stands in the centre.[20] The provisions were equally bad, leading in many cases to intense suffering and loss by scurvy,[21] thirst, and starvation; but unscrupulous speculators cared for nothing save to reap the ready harvest; and to secure passengers they hesitated at no falsehood. Although aware that the prospect of obtaining transportation from Panamá and other Pacific ports was very doubtful, they gave freely the assurance of ample connections, and induced thousands to proceed to these half-

[17] *Nouvelles Annales des Voyages*, cxx. 362–5; *Larkin's Docs*, MS., vi. 195; *Polynesian*, Apr. 14, 1849; *Stillman's Golden Fleece*, 19–27. Two of the Nov. departures arrived at S. F. in April 1849; in June came 11, in July 40, in August 43, in Sept. 66, after which the number fell off, giving a total of 233 from American ports for nine months; 316 arrived from other ports, or 549 in all. *Placer Times*, ii. no. 62; N. Y. *Herald*, Apr. 13, 1850; *Barstow's Stat.*, MS., 1; *Barnes' Or. and Cal.*, MS., 20; *Dean's Stat.*, MS., 1; *Moore's Pio. Exp.*, MS., 1; *Winans' Stat.*, MS., 1–3; *Neall's Stat.*, MS.; *Wheaton's Stat.*, MS., 2–3; *Doolittle's Stat.*, MS., 21; *Bolton vs U. S.*, 88; *Fay's Stat.*, MS., 1; *Picture Pion. Times*, MS., 145–7. The journals above quoted, notably *Alta Cal.* and *Record-Union;* also *West Coast Signal*, Apr. 15, 1874; *Santa Cruz Times*, Feb. 19, 1870; *Humboldt Times*, Mar. 7, 1874; *Antioch Ledger*, Dec. 24, 1870, together with allusions to voyage. The length of passage averaged about four months. Later it was made more than once by the *Flying Cloud* from New York in 89½ days. See *Alta Cal.*, July 12, 1865; *S. F. Directory*, 1852, 10, etc.

[18] By the withdrawal of 71 ships. *Alta Cal.*, June 6, 1850.

[19] Barnes, in his *Or. and Cal.*, MS., mentions an old Mexican war transport steamer, which in the winter of 1849–50 used to ply between New Orleans and Chagres, and which was so rotten and leaky that she wriggled and twisted like a willow basket.

[20] *Borthwick's* MS., 3–5. One vessel of only 44 tons left Nantucket; another passed through the lakes, *Hunt's Mag.*, xxi. 585; a third was an ex-slaver. *Bluxome's MS.*, 1.

[21] Ryan, *Pers. Adven.*, ii. 273–5, relates that the *Brooklyn* set out with an insufficient supply, and although offered $500, the captain refused to touch at any of the South American ports for additions. At Rio de Janeiro several received welcome from Dom Pedro. *Alta Cal.*, Mar. 29, 1876.

way stations, only to leave them there stranded. A brief period of futile waiting sufficed to exhaust the slender means of many, cutting off even retreat, and hundreds were swept away by the deadly climate.[22] Expostulations met with sneers or maltreatment, for redress was hopeless. The victims were ready enough to enter the trap, and hastened away by the cheapest route, regardless of money or other means to proceed farther, trusting blindly, wildly, to chance.

The cost of passage served to restrict the proportion of the vagabond element; so that the majority of the emigrants belonged to the respectable class, with a sprinkle of educated and professional men, and members of influential families, although embracing many characterless persons who fell before temptation, or entered the pool of schemers and political vultures.[23] The distance and the prospective toil and danger again held back the older and less robust, singling out the young and hardy, so that in many respects the flower of the population departed. The intention of most being to return, few women were exposed to the hardships of these early voyages. The coast-dwellers predominated, influenced, as may be supposed, by the water voyage, for the interior and western people preferred to await the opening of the overland route, for which they could so much better provide themselves.[24]

Although the Americans maintained the ascendancy in numbers, owing to readier access to the field

[22] See protest in *Panamá Star*, Feb. 24, 1849.

[23] White, *Pion. Times*, MS., 190–5, estimates the idle loungers at less than ten per cent, and 'gentlemen' and politicians at the same proportion. The N. Y. *Tribune*, Jan. 26, 1849, assumes that the cost of outfit kept back the rowdies. The *Annals of S. F.*, 665, etc., is undoubtedly wrong in ascribing low character, morals, and standing to a large proportion, although it is natural that men left without the elevating influence of a sufficiently large number of women should have yielded at times to a somewhat reckless life. Willey, in his *Per. Mem.*, MS., 25, thus speaks of the New Orleans emigration of 1848: 'It was only the class most loose of foot who could leave on so short a notice. It was largely such as frequented the gambling-saloons under the St Charles, and could leave one day as well as another.' See also *Crosby's Events*, MS., 2–3; *Van Allen, Stat.*, MS., 31; *Larkin's Doc.*, MS., vi. 185, 198, 251.

[24] New Yorkers predominated 'twice told probably.' *Ryckman's MS.*, 2–3; Nantucket alone lost about 400 men. *Placer Times*, Dec. 1, 1849.

by different routes, and to which they were entitled by right of possession, the stream of migration from foreign countries was great, a current coming to New York and adjoining ports to join the flow from there. The governments of Europe became alarmed, actuated as they were by jealousy of the growing republic, with its prospective increase of wealth, to the confounding of finance, perhaps to culminate in a world's crisis.[25] Before the middle of January 1849 no less than five different Californian trading and mining companies were registered at London, with an aggregate capital of £1,275,000; and scarcely was there a European port which had not at this time some vessel fitting out for California.[26]

Among Asiatic nations, the most severely affected by this western malady were the Chinese. With so much of the gambling element in their disposition, so much of ambition, they turned over the tidings in their minds with feverish impatience, whilst their neighbors, the Japanese, heard of the gold discovery with stolid indifference.[27] Yet farther east by way of west, to that paradise of gamblers, Manila, went

[25] Russia, France, and Holland seriously considered the monetary question, and the latter went so far as to bring in force an obsolete law, which enabled her to sell, at the highest price, all the gold in the bank of Amsterdam, so that she might lay in a stock of silver.

[26] 'Du Havre et de Bordeaux, de plusieurs ports espagnols, hollandais, allemands, et de presque tous les principaux ports de la Grande-Bretagne, on announce des départs pour San Francisco. Un bâtiment à vapeur doit même partir de Londres et doubler le cap Horn. *Revue des Deux Mondes*, Feb. 1, 1849; *Polynesian*, May 12, 1849. Says the *London Times*: 'There are at this moment two great waves of population following toward the setting sun over this globe. The one is that mighty tide of human beings which, this year, beyond all former parallel, is flowing from Ireland, Great Britain, Germany, and some other parts of Europe, in one compact and unbroken stream, to the United States. The other, which may almost be described as urged on by the former, is that which that furious impulse *auri sacra fames* is attracting from comfortable homes to an almost desert shore.' Several hundred Mormons left Swansea in Feb. 1849 for Cal. *Placer Times*, Oct. 13, 1849. Concerning the French migration, see *S. F. Picayune*, Nov. 27, 1850; *Cal. Courier*, Nov. 28, Dec. 3, 1850. Many banished army officers came. Hungarian exiles in Iowa proposed to come in 1850. *S. D. Arch.*, 367; *Polynesian*, vii. 131.

[27] An English steamer arrived from Canton direct as early as Oct. 1849. On Feb. 1, 1849, there were 54 Chinamen in Cal., and by Jan. 1, 1850, the number had swollen to 791, and was rapidly rising, till it passed 4,000 by the end of 1850. *Alta Cal.*, May 10, 1852; *Williams' Stat.*, 12. In *Brooks' App. Stat.*, 115, the number for 1849-50 is reduced to 770 by their consul.

the news, and for a time even the government lotteries were forgotten.[28] And the gold offered by shipmasters to the merchants of the Asiatic coast raised still higher the fever in the veins of both natives and English.[29]

Not less affected were the inhabitants of the Marquesas Islands. Those of the French colony who were free made immediate departure, and were quickly followed by the military, leaving the governor alone to represent the government. On reaching Australia the news was eagerly circulated and embellished by ship-masters. The streets of the chief cities were placarded, "Gold! Gold! in California!" and soon it became difficult to secure berths on departing vessels.[30] And so in Peru and Chile, where the California revelation was unfolded as early as September 1848 by Colonel Mason's messenger, on his way to Washington, bringing a large influx in advance of the dominant United States emigration.[31] Such were the world currents evoked by the ripple at Coloma.

[28] *Zamacois, Hist. Mex.*, x. 1141. Says Coleman, *The Round Trip*, 28, who happened to be at Manila in the spring of 1848 when the *Rhone* arrived from S. F., 'She brought the news of the gold discoveries, and fired the colony with the same intense desire that inflamed the Spaniards of the 16th century.'

[29] Leese was abo[illegible]ail for Manila in March, and from there take in a cargo of rice for Cant[illegible]*an's Mem.*, i. 65.

[30] *Barry's Ups and* [illegible]2–3, and *Larkin's Docs*, MS., vii. 80. 'Eight vessels have left that [illegible] of roguery—Sidney,' *Placer Times*, June 2, 1849, and with them [illegible]mass of delectable 'Sidney coves.' The press sought naturally to cou[illegible] the excitement and make the most of some local gold finds. See *M*[illegible]*e Herald*, Feb. 6, 7, 10, 1849.

[31] Vessels sent to V[illegible]o for flour brought back large numbers to Cal. *Findla's Stat.*, MS., 7[illegible]Rept, in *U. S. Gov. Docs*, 31st cong. 1st sess., H. Ex. Doc. 59, 26. T[illegible]f the *Lambayecana* of Colombia with gold-dust caused no small e[illegible]t in Payta, and the news of the discovery soon spread; on the 1[illegible] January, 1849, when the *California* arrived at Panamá, she had some 7[illegible] Peruvians on board. *Willey's Per. Mem.*, MS., 60. 'It is reported here that California is all gold,' writes Atherton from Valparaiso, Sept. 10th, to Larkin. 'Probably a little glitter has blinded them. The gold-dust received per brig *J. R. S.* sold for 22 reales per castellano of 21 quilates fine, this having exceeded the standard about 1¼ quilates, netted 23 reales per castellano, being nearly $17.50 per ounce.' *Larkin's Docs*, MS., vi. 173. In Aug. Larkin entered into partnership with Job F. Dye, who about the middle of Sept. sailed with the schooner *Mary* down the Mexican coast, taking with him placer gold.

CHAPTER VIII.

THE VOYAGE BY OCEAN

1848-1849.

Modern Argonauts—Pacific Mail Steamship Company—Establishment of the Mail Line from New York via Panamá to Oregon—Sailing of the First Steamers—San Francisco Made the Terminus—The Panamá Transit—The First Rush of Gold-seekers—Disappointments at Panamá—Sufferings on the Voyage—Arrivals of Notable Men by the First Steamship.

Since the voyage of the Argonauts there had been no such search for a golden fleece as this which now commanded the attention of the world. And as the adventures of Jason's crew were the first of the kind of which we have any record, so the present impetuous move was destined to be the last. Our planet has become reduced to a oneness, ever[illegible]t being daily known to the inhabitants of ev[illegible]er part. There is no longer a far-away earth's [illegible]here lies Colchis close-girded by the all-infolding [illegible]. The course of our latter-day gold-fleece seek[illegible]as much longer than Jason's antipodal voyag[illegible]ed, it was the longest possible to be perfor[illegible] this planet, leading as it did through a wide [illegible]ge of lands and climes, from snow-clad shores into tropic latitudes, and onward through antarctic dreariness into spring and summer lands. In the adventures of the new Argonauts the Symplegades reappeared in the gloomy clefts of Magellan Strait; many a Tiphys relaxes the helm, and many dragons' teeth are sown. Even the ills and dangers that beset Ulysses' travels, in sensual circean appetites, lotus-eating indulgence,

Calypso grottos and sirens, may be added to the list without filling it.

"The wise man knows nothing worth worshipping except wealth," said the Cyclops to Ulysses, while preparing to eat him, and it appears that as many hold the same faith now as in Homeric times. At night our Argonauts dream of gold; the morning sun rises golden-hued to saffron all nature. Gold floats in their bacon breakfast and bean dinner—which is the kind of fare their gods generally provide for them; and throughout the bedraggled remnant of their years they go about like men demented, walking the earth as if bitten by gold-bugs and their blood thereby infected by the poison; fingering, kicking, and biting everything that by any possibility may prove to be gold. They are no less victims of their infatuation than was Hylas, or Ethan Brand, who sacrificed his humanity to seek the unpardonable sin. Each has his castle in Spain, and the way to it lies through the Golden Gate, into the Valley of California.

The migration was greatly facilitated by the establishment of the Pacific Mail Steamship Company just before the gold discovery, encouraged by the anticipation of new interests on the Pacific coast territory.[1] Congress fully appreciated the importance

[1] One J. M. Shively, postmaster at Astoria, Oregon, while on a visit to Washington in 1845, is said to have been the first to call the attention of the U. S. govt to the advisability of establishing a line of mail-steamers between Panamá and Astoria. His suggestion does not seem to have had much weight, however. Later in the same year the threatening attitude of Great Britain in the north-west caused President Polk to lay before congress a plan for rapidly increasing the population of Oregon by emigration via the Isthmus, using sailing vessels. J. M. Woodward, a shipping merchant of New York, assisted in preparing details for the plan. His investigations led him to believe that a line of mail-steamers might profitably be established between Panamá and Oregon, and a number of merchants and capitalists were readily induced to join in forming a private company. The most complete history of the Pac. Mail S. S. Co. during the first five years of its existence is contained in the following government document: *Mails, Reports of the Secretary of the Navy and the Postmaster-general, Communicating, in Compliance with a Resolution of the Senate, Information in Relation to the Contracts for the Transportation of the Mails by Steamships between New York and California, March 23, 1852*, 32d cong. 1st sess., Sen. Ex. Doc. 50. An excellent chapter on the formation of the company is also to be found in *First Steamship Pioneers*, 17-33; see also *Larkin's Doc.*, MS., vi. 173.

of rapid communication with that section, and by virtue of an act passed on the 3d of March, 1847, the secretary of the navy advertised for bids to carry the United States mails by one line of steamers between New York and Chagres, and by another line between Panamá and Astoria. The contract for the Atlantic side called for five steamships of 1,500 tons burden each, all strongly constructed and easily convertible into war steamers, for which purpose the government might at any time purchase them by appraisement. Their route was to be "from New York to New Orleans twice a month and back, touching at Charleston, if practicable, Savannah, and Habana; and from Habana to Chagres and back twice a month." For the Pacific line only three vessels were required, on similar terms, and these of a smaller size, two of not less than 1,000, and the other of 600, tons burden. These were to carry the mail "from Panamá to Astoria, or to such other port as the secretary of the navy may select, in the territory of Oregon, once a month each way, so as to connect with the mail from Habana to Chagres across the Isthmus."

The contract for the Atlantic side was awarded on the 20th of April, 1847, to Albert G. Sloo, who on the 17th of August transferred it to George Law, M. O. Roberts, and B. R. McIlvaine of New York. The annual compensation allowed by the government was $290,000; the first two ships were to be completed by the first of October, 1848. The contract for the Pacific side was given to a speculator named Arnold Harris, and by him assigned to William H. Aspinwall, the annual subsidy for ten years being $199,000.[2]

[2] Woodward bid $300,000, with side-wheel steamers, and one of his associates proposed to do the work for half that sum with propellers. The last offer was accepted, but the bidder withdrew, and Harris received the award, after arranging to assign it to Woodward, it is claimed. He looked round for a better bargain, however, and on Nov. 19, 1847, the contract was transferred to Aspinwall, despite the protests of Woodward, who 'was beaten in a long and expensive series of litigations.' *First Steamship Pioneers*, 25. The same authority states that Aspinwall was induced to take the contract by Armstrong, a relative of Harris, and U. S. consul at Liverpool.

Owing to the greater prominence meanwhile acquired by California, the terminus for this line was placed at San Francisco, whence Oregon mails were to be transmitted by sailing vessels.[3]

Through Aspinwall's exertions, the Pacific Mail Steamship Company was incorporated on the 12th of April, 1848, with a capital stock of $500,000.[4] The three side-wheel steamers called for by the contract were built with despatch, but at the same time with care and of the best materials, as was shown by their long service.

On October 6, 1848, the first of these vessels, the *California*, sailed from New York, and was followed in the two succeeding months by the *Oregon* and the *Panamá*.[5] When the *California* left New York the discovery of gold was known in the States only by unconfirmed rumors, which had attracted little attention, so that she carried no passengers for California.[6] On

[3] 'To the mouth of the Kalumet river, in lieu of Astoria, with the reserved right of the navy department to require the steamers to go to Astoria, the straits of Fuca, or any other point to be selected on the coast of Oregon. In consideration of which the steamers are to touch, free of charge, at the three points occupied by the U. S. squadron, or at such ports on the west coast, south of Oregon, as may be required by the navy dept.' Modification of June 10, 1848. In 1850 steam connection was required with Oregon. *U. S. Gov. Doc.*, ubi sup., p. 5–6, 36; see also *Hist. Oregon*, i., this series.

[4] Gardiner Howland, Henry Chauncey, and William H. Aspinwall were the incorporators, and the last mentioned was elected the first president. In 1850 the capital stock was raised to $2,000,000, in 1853 to $4,000,000, in 1865 to $10,000,000, in 1866 to $20,000,000, and in 1872 it was reduced to $10,000,000.

[5] Their measurements were 1,050, 1,099, and 1,087 tons respectively. The *Panamá* should have been second, but was delayed. The Atlantic company proved less prompt. For several years they provided only three accepted steamers, *Georgia*, *Ohio*, and *Illinois*, and the inferior and temporary *Falcon*, besides other aid; yet full subsidy was allowed. The captains were to be U. S. naval officers, not below the grade of lieut, each assisted by four passed midshipmen. *U. S. Gov. Doc.*, ubi sup.

[6] And only four or five for way-ports. Rio de Janeiro was reached Nov. 2d, and the straits of Magellan were safely threaded between Dec. 7th and 12th. The *California* was the third steamship to pass through them, the previous ones being, in 1840, the *Peru* and the *Chili*, each of 700 tons, built by an English company for trade between the west coast of South America and England. Under the command of William Wheelwright they made the passage of the straits in thirty hours sailing time. According to the journal kept by A. B. Stout, the *California's* sailing time in the straits was 41½ hours, and the time lost in anchoring during fogs and high winds 108 hours. *First Steamship Pioneers*, 111–12. This journal is, I believe, the only account extant of the *California's* voyage as far as Panamá. A stoppage of 50 hours

reaching Callao, December 29th, the gold fever was encountered, and great was the rush for berths, although but fifty could be provided with state-rooms, owing to the understanding at New York that the steamer should take no passengers before reaching Panamá.[7] It was well for the Isthmus of Panamá, which fairly swarmed with gold-seekers, some 1,500 in number, all clamorous for, and many of them entitled to, a passage on the *California*.[8]

This mass of humanity had been emptied from the fleet of sailing and steam vessels despatched during the nine preceding weeks for the mouth of the Chagres River, which was then the north-side harbor for the Isthmus. Hence the people proceeded up the river to Cruces in *bongos*, or dug-outs, poled by naked negroes, as lazy and vicious as they were stalwart.[9] Owing to the heavy rains which added to the discomfort and danger, the eagerness to proceed was great, and the means of conveyance proved wholly inadequate to the sudden and enormous influx, the natives being, moreover, alarmed at first by the invasion. The in-

was made at Valparaíso, and on the illness of the commander, Cleaveland Forbes, John Marshall, then commanding a ship en route for China, was induced to act as first officer in lieu of Duryee, who was appointed to the command of Marshall's ship. *Id.*, 29–30, 118. A few days later Forbes resigned.

First Steamship Pioneers, Edited by a Committee of the Association, is the title of a quarto of 393 pages, printed in San Francisco for the 25th anniversary of the association in 1874. From the profuse puffery with which the volume opens, the reader is led to suspect that the printing, picture, and wine bills of the society were not large that year. Following this is a chapter entitled 'Steam Navigation in the Pacific,' conspicuous only for the absence of information or ideas. Chapter II. on the P. M. S. S. Co. is better, and the occurrences of the voyage by the passengers on the first steamship to Cal., of which the main part of the book is composed, no less than the biographical notices toward the end, are interesting and valuable.

[7] At Payta, accordingly, where equal excitement prevailed, no more passengers appear to have been taken.

[8] Six sailing vessels and two steamers are mentioned among recent arrivals with passengers from the U. S. See *Panamá Star*, Feb. 24, 1849; *Pioneer Arch.*, 5, 21–4; *Robinson's Stat.*, MS., 23–4.

[9] The boats were usually from 15 to 25 feet long, dug from a single mahogany log, provided with palm-leaf awning, and poled by 4 or 6 men at the average rate of a mile an hour. Often the only shred of clothing worn by the captain was a straw hat. *Warren's Dust and Foam*, 153–6; *Henshaw's Events*, MS., 1; *Gregory's Guide*, 1–9. A small steamer, *Orus*, had been placed on the river, but could proceed only a short distance, and the expense of transit, estimated at $10 or $15, rose to $50 and more. Protests in *Panamá Star*, Feb. 24, 1849; *Dunbar's Romance*, 55–89.

experience and imprudent indulgences of the new-comers gave full scope to the malarial germs in the swamps around. Cholera broke out in a malignant form, following the hurrying crowds up the river, and striking down victims by the score. Such was the death-rate at Cruces, the head of navigation, that the second current of emigrants stopped at Gorgona in

ISTHMUS ROUTE.

affright, thence to hasten away from the smitten river course.[10] Again they were checked by the scarcity of pack-animals, by which the overland transit was

[10] References to the suffering victims, and causes, in *Roach's Stat.*, MS., 1; *First Steamship Pioneers*, 84–5; *Frémont's Amer. Travel*, 66–8; *Sutton's Early Exper.*, MS., 1; *Hawley's Stat.*, MS., 2–3; *Neall's Stat.*, MS., 22–4; *Advent. Captain's Wife*, 18.

accomplished. Numbers abandoned their luggage and merchandise, or left them to the care of agents to be irretrievably lost in the confusion, and hurried to Panamá on foot. From Cruces led an ancient paved trail, now dilapidated and rendered dangerous along many of the step-cut descents and hill-side shelves. From Gorgona the passenger had to make his way as best he could.[11]

Panamá was a place of special attraction to these wayfarers, as the oldest European city on the American continent,[12] and for centuries the great entrepôt for Spanish trade with Pacific South America and the Orient, a position which also drew upon it much misery in the form of piratic onslaughts with sword and torch. With the decline of Iberian supremacy it fell into lethargy, to be roused to fresh activity by the new current of transit. It lies conspicuous, before sea or mountain approach, upon its tiny peninsula which juts into the calm bay dotted with leafy isles. The houses rise as a rule to the dignity of two stories of stone or adobe, with long lines of balconies and sheltering verandas, dingy and sleepy of aspect, and topped here and there by tile-roofed towers, guarding within spasmodic bells, marked without by time-encroaching mosses and creepers. Along the shady streets lounge a bizarre mixture of every conceivable race: Africans shining in unconstrained simplicity of nature; bronzed aborigines in tangled hair and gaudy shreds; women of the people in red and yellow; women of the upper class in dazzling white or sombre black; caballeros in broad-rimmed Panamá hats and white pantaloons, and now and then the broad Spanish cloak beside the veiling mantilla; while foreigners of the blond type in slouched hats and rough garb stalk everywhere, ogling and peering.

[11] Later rose frequent bamboo stations and villages, with bunks and hammocks, and vile liquors. An earlier account of the route is given in *Mollien's Travels*, 409-13. Little, *Stat.*, MS., 1-4 had brought supplies for two years.

[12] The oldest standing city, if we count from the time of its foundation on an adjoining site.

The number and strength of the emigrants, armed and resolute, placed the town practically in their hands; but good order prevailed, the few unruly spirits roused by the cup being generally controlled by their comrades.[13] Compelled by lack of vessels to wait, they settled down into communities, which quickly imparted a bustling air to the place, as gay as deferred hope, dawning misery, and lurking epidemics permitted; with American hotels, flaring business signs, drinking-saloons alive with discordant song and revelling,[14] and with the characteristic newspaper, the *Panamá Star*, then founded and still surviving as the most important journal of Central America.[15]

The suspense of the Argonauts was relieved on the 30th of January, 1849, by the arrival of the *California*,[16] to be as quickly renewed, since with accommodation for little over 100 persons, the steamer could not properly provide even for those to whom through-tickets had been sold, much less for the crowd struggling to embark. After much trouble with the exasperated and now frantic men, over 400 were received

[13] The attempt of local authorities at arrest was generally frustrated by armed though harmless bluster, as Hawley, *Observ.*, MS., 2-3, relates. Nearly half the population was foreign by February 1849, two thirds of this being American. The number rose as high as 3,000 during the year.

[14] As described in the *Eldorado*, i. 26-7, of Taylor, who was himself an Argonaut; in *Massett's* humorous *Experiences*, MS., 1-10; *Ryan's Judges and Crim.*, 78-9; *Little's Stat.*, MS., 1-3; *Roach's Facts*, MS., 1. Washington's birthday was celebrated with procession, volleys, and concert. *Panamá Star*, Feb. 24, 1849.

[15] It was started by J. B. Bidleman & Co. on Feb. 24, 1849, as a weekly, at one real per copy; advertisements $2 per square, and contained notices of arrivals, protest, local incidents, etc.; printers, Henarie & Boehman. The later *Herald* was incorporated and added to the title. Additional details on Panamá occurrences in *Revere's Keel and Saddle*, 151-4; *Willey's Pers. Mem.*, MS., 58-62; *Sherwood's Cal.*, MS., 27; *Connor's Early Cal.*, MS., 1-2; *Low's Observ.*, MS., 1. See also *Hist. Cent. Am.*, iii., this series.

[16] She had been three weeks longer on the trip than was expected, owing to fogs, etc. The first steamer of the Atlantic line, the provisional *Falcon*, had left New York on Dec. 1st, before the real excitement began, with the president's message of Dec. 5th, so that she carried comparatively few passengers from there, among them four clergymen and some army men. An account of the voyage is given in *First Steamer Pioneers*, 43 et seq. See also *Willey's Pers. Mem.*, MS., 1-36; *Williams' Early Days*, MS., 2-3, both written by passengers. At New Orleans, however, Dec. 12th-18th, she encountered the gold fever and was quickly crowded with over 200 persons, Gen. Persifer F. Smith, the successor of Gov. Mason, embarking with his staff. Chagres was reached on Dec. 26th. *U. S. Gov. Doc.*, 32d cong. 1st sess., Sen. Doc. 50.

on board to find room as best they could. Many a one, glad to make his bed in a coil of rope, paid a higher fare than the state-room holder; for steerage tickets rose to very high prices, even, it is said, to $1,000 or more.[17]

Even worse was the scene greeting the second steamer, the *Oregon*, which arrived toward the middle of March,[18] for by that time the crowd had doubled. Again a struggle for tickets at any price and under any condition. About 500 were received, all chafing with anxiety lest they should arrive too late for the gold scramble, and prepared to sleep in the rigging rather than miss the passage.[19] And so with the *Panamá*, which followed.[20]

[17] *Little's Stat.*, MS., 1–4; Henshaw, *Stat.*, MS., 1, says the agents fixed steerage tickets at $1,000. A certain number were sold by lot, with much trickery. They also attempted to exclude tickets sold at New York after a certain date, but were awed into compliance. *Low's Stat.*, MS.; *Deane's MS.*, 1; *Roach's Stat.*, MS., 2. Holders of tickets were offered heavy sums for them. *Moore's Recol.*, MS., 2. For arrangements on board, see Vanderbilt, *Miscel. Stat.*, MS., 32–3. Authorities differ somewhat as to the number of passengers. About 400, say the *Panamá Star*, Feb. 24, 1849; *Alta Cal.*, Feb. 29, 1872; *Bulletin*, Feb. 28, 1865; *Oakland Transcript*, March 1, 1873; the *Oakland Alameda County Gazette*, March 8, 1873, says 440; Crosby, *Stat.*, MS., 10–14, has about 450; while Stout, in his journal, says nearly 500. In *First Steamship Pioneers*, 201–360, a brief biographical sketch is given to each of the following passengers of the *California* on her first trip, many of whom have subsequently been more or less identified with the interests of the state: H. Whittell, born in Ireland in 1812; L. Brooke, Maryland, 1819; A. M. Van Nostrand, N. Y., 1816; De Witt C. Thompson, Mass., 1826; S. Haley, N. Y., 1816; John Kelley, Scotland, 1818; S. Woodbridge, Conn., 1813; P. Ord, Maryland, 1816; J. McDougall; A. A. Porter, N. Y., 1824; B. F. Butterfield, N. H., 1817; P. Carter, Scotland, 1808; M. Fallon, Ireland, 1815; W. G. Davis, Va, 1804; C. M. Radcliff, Scotland, 1818; R. W. Heath, Md, 1823; Wm Van Vorhees, Tenn., 1820; W. P. Waters, Wash., D. C., 1826; R. B. Ord, Wash., 1827; S. H. Willey, N. H., 1821; S. F. Blasdell, N. Y., 1824; H. F. Williams, Va, 1828; O. C. Wheeler, N. Y., 1816; E. L. Morgan, Pa, 1824; R. M. Price, N. Y., 1818.

[18] A delay caused by the temporary disabling of the *Panamá*, which should have been the second steamer. The *Oregon* had left New York in the latter part of Dec. and made a quick trip without halting in Magellan Straits, though touching at Valparaíso, Callao, and Payta. R. H. Pearson commanded. Sutton, *Exper.*, MS., 1, criticises his ability; he nearly wrecked the vessel. *Little's Stat.*, MS., 3, agrees.

[19] She stayed at *Panamá* March 13th–17th. Among the passengers surviving in California in 1863 were John H. Redington, Dr McMillan, A. J. McCabe, Mrs Petit and daughter, Thomas E. Lindenberger, John McComb, Edward Connor, S. H. Brodie, William Carey Jones, Smyth Clark, M. S. Martin, John M. Birdsall, Stephen Franklin, Major Daniels, F. Vassault, G. K. Fitch, William Cummings, Mme. Swift, Mr Tuttle, Judge Aldrich, James Tobin, Fielding Brown, James Johnson, Dr Martin. Some of these had come by the second steamer of the Atlantic mail line, the *Isthmus*, which arrived at Chagres Jan. 16th.

[20] Which arrived at Panamá in the early part of May, leaving on the 18th.

As one chance after another slipped away, there were for those remaining an abundance of time and food for reflection over the frauds perpetrated upon them by villanous ship-owners and agents, to say nothing of their own folly. The long delay sufficed to melt the scanty means of a large number, preventing them from taking advantages of subsequent opportunities; and so to many this isthmian bar to the Indies proved a barrier as insurmountable as to the early searchers for the strait. Fortunately for the mass a few sailing vessels had casually arrived at Panamá, and a few more were called from adjoining points; but these were quickly bought by parties or filled with miscellaneous passengers,[21] and still there was no lessening of the crowd. In their hunger for gold, and

There had been a reprehensible sale of tickets in excess of what these steamers could carry; 700 according to Connor, *Stat.*, MS., 1. Lots were drawn for steerage places by the holders of tickets on paying $100 extra. D. D. Porter, subsequently rear admiral, commanded, succeeded by Bailey. *Low's Stat.*, MS., 2; *S. F. Bulletin*, June 4, 1869; *Alta Cal.*, June 4, 1867; *Burnett's Recol.*, MS., ii. 40-2; *Deane's Stat.*, MS., 1-2; *Barnes' Or. and Cal.*, MS., 26; *Merrill's Stat.*, MS., 1. Among the passengers of the Panamá who subsequently attained distinction in California and elsewhere, I find mention of Gwin and Weller, both subsequently U. S. senators from Cal., and the latter also gov. of the state; D. D. Porter, afterward admiral; generals Emory, Hooker, and McKinstry—to use their later titles; T. Butler King, Walter Colton, Jewett, subsequently mayor of Marysville, and Roland, postmaster of Sacramento; Hall McAllister, Lieut Derby, humorist under the nom de plume of 'Phœnix;' Treanor, Brinsmade, Kerr, Frey, John V. Plume, Harris, P. A. Morse, John Brinsley, Lafayette Maynard, H. B. Livingstone, Alfred De Witt, S. C. Gray, A. Collins, and H. Beach. There were five or six women, among them Mrs Robert Allen, wife quart.-gen., Mrs Alfred De Witt, Mrs S. C. Gray of Benicia, and Mrs Hobson from Valparaíso.

[21] One small schooner of 70 tons was offered for sale in 28 shares at $300 a share; another worthless old hulk of 50 tons was offered for $6,000. False representations had been made by agents and captains that there was a British steam line from Panamá, and equally false assurances of numerous sailing vessels; but the passengers by the *Crescent City* found only one brig at Panamá, and she was filled. Hawley, *Stat.*, MS., 2-3, charges the captain of this steamer with drunkenness and abuse; he had brought a stock of fancy goods, which he managed to get forwarded by dividing among passengers who had less luggage than the steamer rules allowed. Among vessels leaving after the *California*, the brig *Belfast* of 190 tons took 76 passengers at $100 each in the middle of Feb. *Panamá Star*, Feb. 24, 1849. The *Niantic*, of subsequent lodging-house fame, came soon after from Payta, spent three weeks in fitting out, and took about 250 persons at $150. *McCollum's Cal.* 17, 25-6. The *Alex. von Humboldt* took more than 300 in May. *Sac. Bee*, Aug. 27, 1874. The *Phœnix* carried 60, and took 115 days to reach S. F.; the *Two Friends*, with 164 persons, occupied over five months. *Sac. Rec.*, Sept. 10, 1874. A proportion of gold-hunters had taken the route by Nicaragua; see record of voyage in *Hitchcock's Stat.*, MS., 1-7; *Doolittle's Stat.*, MS., 1-21.

anxiety to escape fevers and expenses on the Isthmus, several parties thrust themselves with foolhardy thoughtlessness into log canoes, to follow the coast to the promised land, only to perish or be driven back after a futile struggle with winds and currents.[22] Yet they were not more unfortunate than several who had trusted themselves to the rotten hulks that presented themselves.[23]

After a prosperous voyage of four weeks, prolonged by calls at Acapulco and San Blas, San Diego and Monterey,[24] the steamer *California* entered the bay of San Francisco on February 28, 1849, a day forever memorable in the annals of the state. It was a gala-day at San Francisco. The town was alive with wintering miners. In the bay were ships at anchor, gay with bunting, and on shore nature was radiant in sunshine and bloom. The guns of the Pacific squadron opened the welcome with a boom, which rolled over the waters, breaking in successive verberations between the circling hills. The blue line of jolly tars manning the yards followed with cheers that found their echo in the throng of spectators fringing the hills. From the crowded deck of the steamer came loud response, midst the flutter of handkerchiefs and bands of music. Boats came out, their occupants boarding, and pouring into strained ears the most glowing replies to the all-absorbing questions of the new-comers concerning the mines—assurances which put to flight many of the misgivings conjured up by leisure and reflection; yet

[22] One party of 23 was passed far up the coast by a steamer, a month out, and obtained supplies, but they soon abandoned the trip. *Santa Cruz Times*, Feb. 26, 1870; *Taylor's Eldorado*, i. 29–30.

[23] It is only necessary to instance the voyages of the *San Blaseña* and the *Dolphin*, the latter related in *Stillman's Golden Fleece*, 327–52, from the MS. of J. W. Griffith and I. P. Crane; also in *Quigley's Irish Race*, 465–8; *San José Pioneer*, Dec. 29, 1879, etc. Tired of the slow progress and the prospect of starvation, a portion of the passengers landed on the barren coast of Lower California, and made their way, under intense suffering, to their destination. Gordon's party sailed from Nicaragua in a seven-ton sloop. Sufferings related in *Hitchcock's Stat.*, MS., 1–7.

[24] When near here the coal supply of the *California* was reported exhausted, and spare spars had to be used; the proposed landing to cut logs was fortunately obviated by the discovery of a lot of coal under the forward deck.

better far for thousands had they been able to translate the invisible, arched in flaming letters across the Golden Gate, as at the portal of hell, LASCIATE OGNI SPERANZA, VOI CH'ENTRATE—all hope abandon, ye who enter here. Well had it been were Minos there telling them to look well how they entered and in whom they trusted,[25] if, indeed, they did not immediately flee the country for their lives.

Before the passengers had fairly left the steamer she was deserted by all belonging to her, save an engineer,[26] and was consequently unable to start on the return trip. Captain Pearson of the *Oregon*, which arrived on April 1st,[27] observed a collusion between the crew and passengers, and took precautions,[28] anchored his vessel under the guns of a man-of-war, and placed the most rebellious men under arrest. Nevertheless some few slipped off in disguise, and others by capturing the boat. He thereupon hastened away, April 12th, with the scanty supply of coal left, barely enough to carry him to San Blas, where there was a deposit.[29] The *Oregon* accordingly carried back the first mail, treasure, and passengers. When the *Panamá* entered San Francisco Bay on June 4th,[30] the

[25] The anniversary of the arrival has been frequently commemorated with mementos, as in the volume *First Steamship Pioneers*. Sherman tells of excitement created at Monterey, and how he there boarded the steamer for S. F. *Mem.*, i. 32, 61–5; *Alta Cal.*, Feb. 29, 1872, June 2, 1874; Crosby, *Stat.*, MS., 10–11, places the ships then in the bay at Sauzalito; not so the *S. F. Bulletin*, Feb. 28, 1865; *Alameda Co. Gaz.*, Mar. 8, 1873; *Oakland Transcript*, Mar. 1, 1873; *Gwin's Mem.*, MS., 6–7; *S. F. Directory*, 1852–3, 10.

[26] The third assistant, F. Foggin, who was subsequently rewarded with the post of chief engineer. Capt. Forbes accordingly resumed charge, and asked Com. Jones for men to protect the steamer. *Crosby's Stat.*, MS., 12. *Vallejo Recorder*, Mar. 14, 1868, has it that Capt. Marshall remained true.

[27] *U. S. Gov. Doc.*, 32d cong. 1st sess., Sen. Doc. 50; *Manrow's Vig. Com.*, MS., 67; *Willey's Pers. Mem.*, MS., 3; *Williams' Stat.*, MS., 7; *Marysville Appeal*, April 3, 1864; *Petaluma Argus*, April 4, 1873. All agree on April 1, 1849, but Hittell, *Hist. S. F.*, 139, who says March 31. Concerning her trip, see Capt. Pearson's speech at the anniversary, 1868, in *Vallejo Recorder*, Mar. 14, 1868.

[28] Especially after the desertion of the carpenter at Monterey, who swam ashore at night at great risk.

[29] He had 70 tons. The refractory sailors were kept in irons till they submitted to accept an increase of pay from $12 to $112 a month. The coal-ship *Superior* arrived at S. F. some weeks later.

[30] *Alta Cal.*, June 4, 1862, and June 4, 1867; *Alameda Co. Gazette*, May 29, 1875; *S. F. Bulletin*, June 4, 1869; *Low's Statement*, MS., 2. The official

California had obtained coal and a crew, and had departed for Panamá. From this time she and the other steamers, with occasionally an extra vessel, made their trips with tolerable regularity.[31] Three regular steamers were added to the line by 1851; and on March 3d of this year the postmaster-general authorized a semi-monthly service.

statement of June 8th appears, therefore, wrong in this case. She was short of coal, like the *California*, and had to burn some of her woodwork.

[31] The following statement of mail service will show the order and dates of the trips of the Panamá steamers during 1849 and part of 1850:

Vessel.	Left Panamá.	Reached San Fran.	Vessel.	Left San Fran.	Reached Panamá.
California . . .	Jan. 31, '49	Feb. 28, '49	Oregon	Apr. 12, '49	May 4, '49
Oregon	Mar. 13, '49	Apr. 1, '49	California . . .	May 1, '49	May 23, '49
Panamá	May 18, '49	June 8 (4?), '49	Panamá	June 19, '49	July 12, '49
Oregon	May 23, '49	June 17, 49	Oregon	July 2, '49	July 21, '49
California . . .	June 25, '49	July 16, '49	California . . .	Aug. 2, '49	Aug. 24, '49
Panamá	July 29, '49	Aug. 19, '49	Panamá	Sept. 1, '49	Sept. 22, '49
Oregon	Aug. 28, '49	Sept. 18, '49	Oregon	Oct. 1, '49	Oct. 24, '49
California . . .	Sept. 17, '49	Oct. 9, '49	California . . .	Nov. 2, '49	Nov. 22, '49
Unicorn (*a*) . .	Oct. 1, '49	Oct. 31, '49	Panamá	Nov. 15, '49	Dec. 4, '49
Panamá	Oct. 10, '49	Oct. 31, '49	Unicorn	Dec. 1, '49	Dec. 28, '49
Oregon	Nov. 10, '49	Dec. 2, '49	Oregon	Jan. 1, '50	Jan. 23, '50
California . . .	Dec. 6, '49	Dec. 28, '49	California . . .	Jan. 15, '50	Feb. 4, '50
Panamá	Jan. 1, '50	Jan. 18, '50 (*b*)	Panamá	Feb. 1, '50	Feb. 23, '50
Unicorn (*a*) . .	Jan. 12, '50	Feb. 8, '50 (*b*)	Oregon	Mar. 1, '50	Mar. 20, '50
Oregon	Feb. 5, '50	Feb. 22, '50	California . . .	Apr. 1, '50	Apr. 23, '50
California . . .	Mar. 2, '50	Mar. 26, '50	Tennessee	Apr. 21, '50	May 11, '50
Tennessee (*a*)	Mar. 24 50	Apr. 13, '50 (*b*)	Panamá	May 1, '50	May 21, '50
Panamá	Apr. 1, 50	Apr. 22, '50	Oregon	June 1, '50	June 22, '50
Caroline (*a*) . .	Apr. 16, '50	May 7, '50			
Oregon	May 1, '50				
Tennessee (*a*)	May 30, '50				
California . . .	June 1, '50				
Panamá (*a*) . . .	June 15, '50				

(*a*) Extra trips. (*b*) Understood to be.

U. S. Gov. Doc., 32d cong. 1st sess., Sen. Ex. Doc. 50, p. 42–44. The three original steamers plied here for a number of years, but were in time replaced on that route by newer vessels. In the *S. F. Bulletin*, Feb. 28, 1865, we read: 'The *California* is now lying at Acapulco, whither she was taken to run between the Mexican ports. The *Panamá* and *Oregon* are plying between this city and ports on the northern coast.' Again, the *Olympia Transcript*, June 17, 1876, states that all three 'have disappeared from the passenger trade, but are still in service. The *Oregon* is a barkentine engaged in the Puget Sound lumber trade. The *Panamá* is a storeship at Acapulco; and the *California* is a barkentine in the Australian trade.' The three steamers added were the *Columbia* and *Tennessee* in 1850, and the *Golden Gate* in 1851. Between Mar.–Oct. 1850, 50 per cent was added to the mail compensation, and 75 per cent after this, or $348,250 per annum in all. *U. S. Gov. Doc.*, as above, 7 et seq.; *Pioneer Arch.*, 157–60; *Alta Cal.*, June 7, 1876. The accommodation of the Pacific line has ever been superior to that of the Atlantic. A depôt for repairs was early established at Benicia. Land was bought at that place and at San Diego. The *Northerner* arrived Aug. 1850. In March 1851 a rival line had four steamers, which, with odd vessels, made fifteen steamers on the route.

The transit of the Isthmus was facilitated by the opening in January 1855 of the Panamá Railway,[32] which gave the route a decided advantage over others. Continental crossings drew much of the traffic from the voyage by way of Cape Horn, four or five months in duration, and involving a quadruple transmigration of terrestrial zones, capped by the dangerous rounding of the storm-beaten cliffs of Tierra del Fuego, often in half-rotten and badly fitted hulks. Indeed, the



Nicaragua Transit Route.

circumnavigation of the southern mainland by American gold-seekers was not undertaken to any extent after the first years. As the resources of California developed, sea travel below Panamá began to stop,

[32] Which reduced the expense and hardships of the long mule-and-boat journey, while lessening the exposure to fevers. Concerning the contracts and mistakes of the projectors, the five years of struggle with the undertaking, and its immense cost in life and money, I refer to the interoceanic question in *Hist. Cent. Am.*, iii., this series.

and distribute itself over the different crossing-places opened by explorers for interoceanic communication: across Mexico by way of Tampico, Vera Cruz, and Tehuantepec; across Central America via Honduras, Nicaragua, Costa Rica,[33] and Panamá. The last named maintained the lead only for a brief period, and Nicaragua, the chief rival of the Panamá route, distanced all the rest. Many had taken this route in 1849 on the bare chance of finding a vessel on the Pacific side.[34] They usually met with disappointment, but they paved the way for later comers, and encouraged American capitalists, headed by Cornelius Vanderbilt, to form a transit company, with bimonthly steamers between New York and California, for which concessions were obtained from Nicaragua in 1849–51, under guise of a canal contract. With cheaper fares and the prospective gain of two days over the Panamá route, together with finer scenery and climate, the line quickly became a favorite; but it was hampered by inferior accommodation and less reliable management, and the disturbed condition of Nicaragua began to injure it, especially in 1856, after which business dissensions tended to undermine the company.[35]

[33] In 1854 Costa Rica granted a charter to a N. Y. co. for a transit route, which gave the privilege of navigating the San Juan river. *Wells' Walker's Exped.*, 238–9. It proved abortive.

[34] Instance the severe experiences of Hitchcock. *Stat.*, MS., 1–7; and Doolittle. *Stat.*, MS., 1–21. See also *Belly, Nic.*, ii. 91.

[35] The gold rush brightened the prospects of the American Atlantic and Pacific Ship Canal Co., which held a concession for a canal through Nicaragua. A new body headed by Jos. L. White and C. Vanderbilt undertook to revive it, and obtained from the state a renewal of the contract dated Sept. 22, 1849, amended April 11, 1850, against a yearly payment of $10,000 till the canal should be completed, when twenty per cent of the net profit, besides stock shares, should follow; meanwhile paying ten per cent of the net profit on any transit route. Several articles provided for protection, exemptions, etc. See *U. S. Gov. Doc.*, 31st cong. 1st sess., H. Ex. Doc. 75, x. 141–5; *Id.*, 34th cong. 1st sess., Sen. Doc. 68, xiii. 84–103; *Nic.*, *Contrato de Canal*, 1849, 1–16; *Id.*, *Contratos Comp. Vapor.*, 1–2; *Cent. Am. Pap.*, v. 53–5. Other details in *Hist. Cent. Am.*, iii., this series. The incorporation act at Leon is dated March 9, 1850. *Cent. Am. Misc. Docs*, 45; *Belly, Nic.*, ii. 70–3. The Clayton-Bulwer treaty of April 19, 1850, between the U. S. and Eng., gave additional guarantees to this company; but U. S. Minister Squier's guarantee of the contract was not ratified by his government. *Squier's Cent. Am.*, ii. 262 et seq. The aim of the projectors being really to secure the right of transit, an Accessory Transit Company was formed, for which, on Aug. 14, 1851, a charter was obtained from the Granada faction, then in power, which

The voyages of the first steamers have naturally retained a great interest, as initiating steam commu-

confirmed the privileges of the canal concession, while lessening its obligations. *Nic. Convenio*, 1-2; *Scherger's Cent. Am.*, 245-6. Meanwhile a hasty survey had been made by Col Childs. *Squier's Nic.*, 657-60; *Gisborne*, 8; followed by an inflation of the stock of the company and the purchase of steamers for bimonthly trips. Among these figured, on the Pacific side, the *Brother Jonathan*, *Uncle Sam*, *Pacific*, *S. S. Lewis*, *Independence*, and *Cortes*. *S. F. Directory*, 1852, 24; *Alta Cal.*, June 9, 1859, etc. Grey Town on the east, and S. Juan del Sur on the Pacific, became the terminal ports, the latter replacing Realejo. On Jan. 1, 1851, the first connecting lake steamer, *Director*, reached La Vírgen. *Squier*, ii. 278; *Reichardt, Nic.*, 165; *Cent. Am. Pap.*, iii. 206; and not long after the line opened. Reichardt, *Nic.*, 173, 181, estimates the traffic to and fro two years later at 3,000 per month, fare $250 and $180. From Grey Town a river steamer carried passengers to Castillo Viejo rapids; here a half-mile portage to the lake steamer, which landed them at La Vírgen, whence a mule train crossed the 13 miles to San Juan del Sur. Scenery and climate surpassed those of Panamá. See detailed account in my *Inter Pocula*. But the management was inferior, the intermediate transportation insufficient and less reliable, owing to low water, etc., and little attention was paid to the health or comfort of the passengers. *Holinski, Cal.*, 246-79; *Cent. Am. Pap.*, i. 3, iv. 2, v. 100, etc. Disasters came, in the loss of two Pacific steamers, the bombardment of Grey Town, etc. *Id.*; *Perez, Mem. Nic.*, 55-6; *Pan. Herald*, April 1, 1854; *Alta Cal.*, March 27, 1854. With the advent of Garrison as manager business improved; but Nicaragua became dissatisfied under the failure of the company to pay the stipulated share of profit. The unprincipled steamship men complicated their accounts only to cheat Nicaragua, relying on Yankee bluster and the weakness of the Nicaraguan government to see them out in their rascality. Then came Walker the filibuster. He was at first favored by the company, but subsequently thought it necessary to press the government claim for nearly half a million dollars. This being disputed, a decree of Feb. 18, 1856, revoked the charter and ordered the seizure of all steamers and effects, partly on the ground that the company favored the opposition party. Vanderbilt came forth in protest and denial, claiming that the contract so far had been carried out, and demanded protection from U. S. The property seized was valued at nearly $1,000,000. Inventory and correspondence in *U. S. Gov. Doc.*, 34th cong. 1st sess., Sen. Doc. 68, xiii. 113 et seq.; *Id.*, 35th cong. 2d sess., H. Ex. Doc. 100, ix. doc. ii. Walker transferred the charter to another company. Vanderbilt enlisted Costa Rican aid and recaptured his steamers. Concerning attendant killing of Americans, etc., see *Wells' Walker's Exped.*, 170-5; *Nicaraguense*, Feb. 23, July 26, 1856, etc.; *Perez, Mem.*, 27-30; *Nouv. Annales Voy.*, cxlvii. 136-41; *Sac. Union*, Dec. 20, 1855, April 17, June 4, 16, 1856; *Alta Cal.*, March 22, Aug. 13, 1856, etc. Vanderbilt resumed business under the succeeding governments, but with frequent interruptions, partly by political factions, with annulments of contracts, changes in management, and even of companies. Vanderbilt was at one time charged with allowing himself to be bought off by the Panamá line for $40,000 per month and pocketing the money. *Id.*, Jan. 9, 1859. In 1860 an English company obtained a concession, but the American company resumed its trips, and in 1865 its steerage rates were $50. In 1868 the Central American Transit Co., then operating, was reported to be bankrupt. The opening soon after of the overland railroad to California rendered a transit line across Nicaragua useless, since it depended solely on passengers. In 1870 contracts were made with the Panamá and other lines to merely touch at Nicaraguan ports. *Nic. Informe Fomento*, iii. 2-3, iv, 4; *Gac. Nic.*, Jan. 11, Feb. 22, 1868; March 12, 1870; *Kirchhoff, Reise.*, i. 313-59; *Rocha, Codigo Nic.*, ii. 133, 141-2, with contract annulments in 1858-63; *Nic. Decritos*, 1859, ii. 78-9; *Alta Cal.*, Sept.

nication, and as bringing some of the most prominent pioneers, for such is the title accorded to all arrivals during 1849 as well as previous years. They also ran the gauntlet of much danger, and no one of the Argo's heroes was more proud of his perilous exploit than is the modern Argonaut who reached the western Colchis with the initial trip of the *Panamá*, the *Oregon*, or, better than all, the *California*. Annual celebrations, wide-spread throughout the world, abundantly testify to the truth of this statement. And it is right and proper that it should be so. The only regret is, that so few of the passengers by early sailing vessels should have left similar records, and that as year after year goes by the number of our Argonauts is thinned; soon all will be with their pelagian prototypes.

16, 1857; Jan. 21, May 30, July 30, Aug. 16, Oct. 26, Nov. 8, 1858; May 26, June 9, 10, 1859; *S. F. Bulletin*, Feb. 12, May 25, June 2, 1859; March 29, 1860; Aug. 21, 1862; March 23, 1865; *S. F. Call*, July 19, 1865; *Pim's Gate Pac.*, 221-43; *Boyle's Ride*, 33-8.

CHAPTER IX.

THE JOURNEY OVERLAND.

1849.

Organization of Parties—Brittle Contracts of These Associations—Mississippi River Rendezvous—On the Trail—Overland Routine—Along the Platte—Through the South Pass—Cholera—The Different Routes—Across the Desert—Trials of the Pilgrims—Starvation, Disease, and Death—Passage of the Sierra Nevada—Relief Parties from California—Route through Mexico—Estimates of the Numbers of Arrivals—Bewilderment of the Incomers—Regeneration and a New Life.

A current equal in magnitude to the one by sea poured with the opening spring overland, chiefly from the western United States. It followed the routes traversed by trappers and explorers since the dawn of the century, and lately made familiar by the reports of Frémont, by the works of travellers like Bidwell, Hastings, Bryant, Thornton, and by the records of two great migrations, one in 1843 to Oregon, and the other in 1846 to California, the latter followed by the Mormon exodus to Utah. Organization into parties became here more necessary than by sea, for moving and guarding camps, and especially for defence against Indians.

Contributions were consequently levied for the purchase of wagons, animals, provisions, and even trading goods, unless the member was a farmer in possession of these things. The latter advantage made this journey preferable to a large number, and even the poor man could readily secure room in a

wagon for the small supplies alone indispensable, or obtain free passage as driver and assistant.[1]

The rendezvous at starting was on the Missouri River, at St Joseph or Independence, long points of departure for overland travel, either via the western main route, which is now marked by the Union and Central Pacific railroad line, or by the Santa Fé trail. Here they gathered from all quarters eastward, on foot and horseback, some with pack-animals or mule-teams, but most of them in vehicles. These were as various in their equipment, quality, and appearance as were the vessels for the ocean trip, from the ponderous 'prairie schooner' of the Santa Fé trader, to the common cart or the light painted wagon of the down-east Yankee.[2] Many were bright with streamers and flaring inscriptions, such as "Ho, for the

[1] Some of the associations were bound by formal contracts, often by an agreement to sustain the partnership in Cal. Instance Journey of the California Association, in *Ashley's Doc. Hist. Cal.*, MS., 271-377. The association was formed at Munroe, Mich., in Feb. 1849, and consisted of ten members, intent on mining and trading. Two persons who remained at home defrayed the expenses with an advance of $5,000 in return for half the prospective gains. The company failed in its plans and separated. Ashley settled at Monterey as a lawyer, and represented the county in the state assembly in 1856-7. In 1859 he was state treasurer, and subsequently moving to Nevada, he twice represented that state in congress; he died at S. F. in 1873. *Salinas City Index*, July 24, 1873. Another association is recorded by Cassin, *Stat.*, MS., 1, who left Cincinnati with 40 others; 'we each paid in $200 to the company's fund.' Further: Pittsburgh and Cal. Enterprise Co. of some 250 members, in *Hayes' Scraps, Ariz.*, v. 29; *Miscel. Stat.*, MS., 17-8; Seneca Co. of Cleveland. *Van Dyke's Stat.*, MS., 1-2. Ithaca Co., in *Cal. Pioneers*, pt 30, 2-3. The overland express train of 230 men under Capt. French, of 1850, suffered many mishaps and horrors. *Alta Cal.*, Dec. 17, 1850, Mar. 5, 1872; *Pac. News*, Dec. 26, 1850; *S. F. Picayune*, Dec. 18, 1850. The Cumberland Co. was a trading association of 50 men, subscribing $500 each. Most of the emigrants, however, combined merely for defence and aid during the journey in a train known by the name of the captain elected to direct it. Instance the parties under Egans, Owens, Alred, Gully, Knapp, H. S. Brown, Latham, Parson, Townsend or Rough and Ready, Lee, Sullenger, Taylor, Staples, Word, Cooper, Barrow, Thorne-Beckwith, Stuart, etc. References in *Ashley's Doc. Hist. Cal.*, MS., 271-377, 395-6; *Miscel. Stat.*, MS., 1 et seq.; *Morgan's Trip*, MS., 3-14; *Kirkpatrick's Journal*, MS., 3 et seq.; *Brown's Stat.*, MS., 1-11; *S. F. Bulletin*, Sept. 18, 1860; *Pearson's Recol.*, MS., 1-2; *Nevada and Grass Valley Directory*, 1856, 43; *Dameron's Autobiog.*, MS., 19; *Placer Times*, Aug. 11, 1849, etc.; *Grass Valley Rep.*, Mar. 8, 1872; *Staples' Stat.*, MS., 1-7; *Vallejo Indep.*, June 1-8, 1872; *Hayes' Diary*, MS., 8-110; *Barrow's Twelve Nights*, 165-268; *U. S. Gov. Doc.*, 31st cong. 2d sess., Sen. Doc. 19, p. 15.

[2] The long-geared prairie schooner differed from the square-bodied wagons of the north-west, in its peculiar widening from the bottom upward. See description in *Hutchings' Mag.*, iv. 351.

diggings!" and presented within, beneath the yet clean white canvass cover, a cosey retreat for the family. Heavy conveyances were provided with three yoke of oxen, besides relays of animals for difficult passages; a needful precaution; for California as well as the intermediate country being regarded as a wilderness, the prudent ones had brought ample supplies, some indeed, in excess, to last for two years. Others carried all sorts of merchandise, in the illusive hope of sales at large profits. Consequently such of the men as had not riding animals were compelled to walk, and during the first part of the journey even the women and children could not always find room in the wagons.[3] Later, as one article after another was thrown away to lighten the load, regard for the jaded beasts made walking more complusory than ever.

It seemed a pity to drag so many women and their charges from comfortable homes to face the dangers and hardships of such a journey. As for the men, they were as a rule hardy farmers or sturdy young villagers, better fitted as a class for pioneers than the crowd departing by sea; and appearances confirmed the impression in the predominance of hunting and rough backwoods garbs, of canvas jackets or colored woollen shirts, with a large knife and pistols at the belt, a rifle slung to the back, and a lasso at the saddle-horn, the most bristling arsenal being displayed by the mild-mannered and timid.[4] There was ample opportunity to test their quality, even at the rendezvous, for animals were to be broken, wagons repaired and loaded, and drill acquired for the possible savage warfare.

[3] 'Men, women, and children, even women with infants at their breasts, trudging along on foot.' *St Louis Union*, May 25, 1849. 'We were nearly all afoot, and there were no seats in the wagons.' Hittell's speech before the pioneers. Many preferred walking to jolting over the prairie.

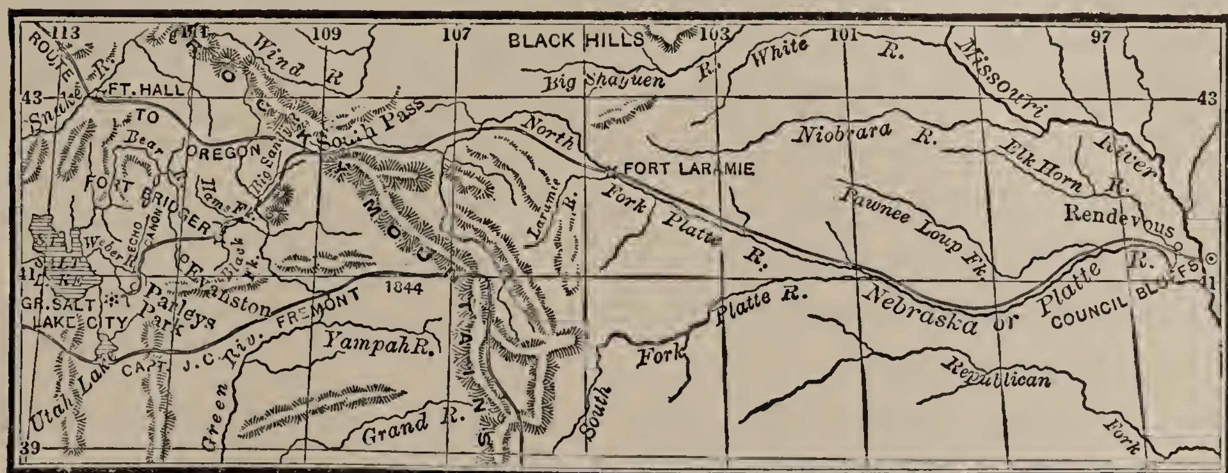
[4] Indignant at the frequent allusions to Spanish-Californians as half-civilized Indians, Vallejo points to some of the Missourian backwoodsmen as more resembling Indians in habits as well as uncouth appearance. *Vallejo, Docs, MS.*, xxxvi. 287. The western states were almost depopulated by the exodus, says Borthwick, *Three Years in Cal.*, 2-3.

The gathering began early in April, and by the end of the month some 20,000, representing every town and village in the States, were encamped on the frontier, making their final preparations, and waiting until the grass on the plains should be high enough to feed the animals. At the opening of May the grand procession started, and from then till the beginning of June company after company left the frontier, till the trail from the starting-point to Fort Laramie presented one long line of pack-trains and wagons. Along some sections of the road the stream was unbroken for miles,[5] and at night, far as the eye could reach, camp-fires gleamed like the lights of a distant city. "The rich meadows of the Nebraska or Platte," writes Bayard Taylor, "were settled for the time, and a single traveller could have journeyed for 1,000 miles, as certain of his lodging and regular meals as if he were riding through the old agricultural districts of the middle states."

For a while there is little to check the happy anticipations formed during the excitement, and sustained by the well-filled larders and a new country; and so, with many an interchange of chat and repartee, between the bellowing and shouting of animals and men, and the snapping of whips, the motley string of pedestrians and horsemen advances by the side of the creaking wagons. Occasionally a wayside spring or brook prolongs the midday halt of the more sober-minded, while others hasten on to fill the gap. Admonished by declining day, the long line breaks into groups, which gather about five o'clock at the spots selected to camp for the night. The wagons roll into a circle, or on a river bank in semicircle, to form a bulwark against a possible foe, and a corral for the animals

[5] 'Thursday, June 8th. Met a man whose train was on ahead, who told us that he had counted 459 teams within nine miles. When we started after dinner there were 150 that appeared to be in one train...Friday, June 23d. Passed the upper Platte ferry. The ferryman told me he had crossed 900 teams, and judged that there were about 1,500 on the road ahead of us. Yet still they come.' *Kirkpatrick's Journal*, MS., 14, 16.

now turned loose to graze and rest. Tents unfold, fires blaze, and all is bustle; women cooking, and men tending and tinkering. Then comes a lull; the meal over, the untrammelled flames shoot aloft, pressing farther back the flitting shadows, and finding reflection in groups of contented faces, moving in sympathy to the changing phases of some story, or to the strains of song and music.[6] The flames subside; a hush falls on the scene; the last figures steal away under tent and cover, save two, the sentinels, who stalk around to guard against surprise, and to watch the now picketed animals, till relieved at midnight. With the first streaks of dawn a man is called from each wagon



From the Missouri to Great Salt Lake.

to move the beasts to better feed. Not long after four o'clock all are astir, and busy breakfasting and preparing to start. Tents are struck, and horses harnessed, and at six the march is taken up again.

Not until the River Platte is reached, some ten or fifteen days out, does perfect order and routine reign. The monotonous following of this stream wears away that novelty which to the uninitiated seems to demand a change of programme for every day's proceedings, and about this point each caravan falls into ways of its own, and usually so continues to the end of the journey, under the supervision of an elected captain

[6] Specimen of emigrant song in *Walton's Gold Regions*, 28–32; *Stillman's Golden Fleece*, 23–4.

and his staff. Harmony is often broken, however, at one time on the score of route and routine, at another in the enforcement of regulations; and even if the latter be overcome by amendments and change of officers, enough objections may remain to cause the split of a party. Associates quarrel and separate; the hired man, finding himself master of the situation, grows insolent and rides on, leaving his employer behind. The sameness of things often palls as days and months pass away and no sign of human habitation appears; then, again, the changes from prairies where the high grass half covers the caravan to sterile plain, from warm pleasant valleys to bleak and almost impassable mountains, and thence down into miasmatic swamps with miry stretches, and afterward sandy sinks and forbidding alkali wastes and salt flats baked and cracked by sun, and stifling with heat and dust; through drenching rains and flooded lowlands, and across the sweeping river currents—and all with occasional chilling blasts, suffocating simoons, and constant fear of savages.

This and more had the overland travellers to encounter in greater or less degree during their jaunt of 2,000 miles and more. Yet, after all, it was not always hard and horrible. There was much that was enjoyable, particularly to persons in health—bright skies, exhilarating air, and high anticipations. For romance as well as danger the overland journey was not behind the voyage by sea, notwithstanding the several changes in the latter of climate, lands, and peoples. Glimpses of landscapes and society were rare from shipboard, and the unvarying limitless water became dreary with monotony. Storms and other dangers brought little inspiration or reliance to counteract oppressive fear. Man lay here a passive toy for the elements. But each route had its attractions and discomforts, particularly the latter.

The Indians in 1849 were not very troublesome. The numbers of the pale-faces were so large that they

did not know what to make of it. So they kept prudently in the background, rarely venturing an attack, save upon some solitary hunter or isolated band, with an occasional effort at stampeding stock. Some sought intercourse with the white men, hoping by begging, stealing, and offer of services to gain some advantage from the transit, nevertheless keeping the suspicious emigrants constantly on the alert.

The Indians' opportunity was to come in due time, however, after other troubles had run their course. The first assumed the terrible form of cholera, which, raging on the Atlantic seaboard, ascended the Mississippi, and overtook the emigrants about the time of their departure, following them as far as the elevated mountain region beyond Fort Laramie. At St Joseph and Independence it caused great mortality among those who were late in setting out; and for hundreds of miles along the road its ravages were recorded by newly made graves, sometimes marked by a rough head-board, but more often designated only by the desecration of wolves and coyotes. The emigrants were not prepared to battle with this dreadful foe. It is estimated that 5,000 thus perished; and as many of these were the heads of families on the march, the affliction was severe. So great was the terror inspired that the victims were often left to perish on the roadside by their panic-stricken companions. On the other hand, there were many instances of heroic devotion, of men remaining alone with a comrade while the rest of the company rushed on to escape contagion, and nursing him to his recovery, to be in turn stricken down and nursed by him whose life had been saved. It seemed as if the scourge had been sent upon them by a divinity incensed at their thirst for gold, and some of the more superstitious of the emigrants saw therein the hand of Providence, and returned. To persons thus disposed, that must have been a spectacle of dreadful import witnessed by Cassin and his party. They were a few days out from Independence; the

cholera was at its height, when one day they saw afar off, and apparently walking in the clouds, a procession of men bearing aloft a coffin. It was only a mirage, the reflection of a funeral taking place a day's journey distant, but to the beholders it was an omen of their fate set up in the heavens as a warning.

Thus it was even in the route along the banks of the Platte, where meadows and springs had tempted the cattle, and antelopes and wild turkeys led on the yet spirited hunter to herds of buffalo and stately elk; for here was the game region. This river was usually struck at Grand Island, and followed with many a struggle through the marshy ground to the south branch, fordable at certain points and seasons, at others crossed by ferriage, on rafts or canoes lashed together,[7] with frequent accidents. Hence the route led along the north branch from Ash Hollow to Fort Laramie, the western outpost of the United States,[8] and across the barren Black Hill country, or by the river bend, up the Sweetwater tributary into the south pass of the Rocky Mountains. The ascent is almost imperceptible, and ere the emigrant is aware of having crossed the central ridge of the continent, he finds himself at the head of the Pacific water system, at Green River, marked by a butte of singular formation, like a ruined edifice with majestic dome and pillars.

The next point was Fort Hall,[9] at the junction of

[7] Calked wagon-beds and sheet-iron boats were brought into service. 'Within our hearing to-day twelve men have found a watery grave,' writes Kirkpatrick, *Journal*, MS., 16, at Platte ferry, June 21, 1849; see also *Cassin's A Few Facts on Cal.*, MS., 2; *Brown's Early Days in Cal.*, MS., 3-4.

[8] For forts on this route, see *Hist. B. C.*, this series; *U. S. Gov. Doc.*, 31st cong. 1st sess., H. Ex. Doc., v. pt. i. 224. Many desertions took place from the garrison. *Coke's Ride*, 156. The first company arrived here May 22d; cholera was disappearing, the Crows were watching to carry off cattle. *Placer Times*, Oct. 13, 1849. One emigrant journal shows that it took fully six weeks to traverse the 670 miles between Independence and this fort.

[9] The fort was reached by two routes from the south pass, the more direct, Sublette's cut-off, crossed the head waters of the Sandy and down Bear River to its junction with the Thomas branch. The other followed the Sandy to Green River; crossed this and the ridge to Fort Bridger; thence across the Muddy Fork and other Green River tributaries into Bear River Valley, and

the Oregon trail, whence the route led along Snake River Valley to the north of Goose Creek Mountains, and up this stream[10] to the head waters of the Humboldt, also called Mary and Ogden River. This was followed along its entire length to the lake or sink into which it disappears. It was hereabout that the emigrants were the most frequently driven to extremity. Long since the strain and hardships of the journey had claimed their victims. Many a man, undaunted by the cholera and the heavy march through the Platte country, abandoning one portion after another of his effects, after a dozen unloadings and reloadings and toilsome extrications and mountings within as many hours; undaunted, even, on approaching the summit of the continent, lost his zeal and courage on nearing the Sierra Nevada, and with his gold fever abated, he turned back to nurse contentment in his lately abandoned home.[11] Many, indeed, tired and discouraged, with animals thinned in number and exhausted, halted at Great Salt Lake, accepting the invitation of the Mormons to stay through the winter and recuperate.[12] The saints undoubtedly

north to the Thomas branch. Hence the reunited trails reached Fort Hall by way of Portneuf River.

[10] Toward the end of 1849 or beginning of 1850 a trail was opened from Bear River across the head waters of the Bannock, Fall, and Raft tributaries of Snake River, meeting the other trail at the head of Goose Creek. *Delano's Life on Plains*, 138. Another important branch of the route, so sadly recorded by the Donner company of 1846, and fit rather for lightly equipped parties with pack-animals than for wagons, was the Hastings road. It started from Fort Bridger, passed round the southern end of Great Salt Lake, crossed the desert, and proceeded in a westerly direction till the east Humboldt Mountains were struck at Franklin River; there it turned abruptly, passing round the southern end of the range, and followed the south branch of the Humboldt down to the main river. Bryant, *What I Saw in Cal.*, i. 142-3, passed over it successfully in 1846. The Mormons established ferries at Weber and Bear rivers, charging $5 or $8 for each team. *Slater's Mormonism*, 6.

[11] *Placer Times*, Oct. 13, 1849, alludes to many returns, even from Laramie. B. F. Dowell, *Letters*, MS., 3, bought a horse from one who turned back after having travelled 700 miles; 'he had seen the elephant, and eaten its ears.'

[12] Instance Morgan, *Trip 1849*, 14-17. The number wintering in 1850-1 was large, from 800 to 1,000, says Slater. *Mormonism*, 5-12, 37; who adds that the Mormons withheld or reduced wages and supplies, so that many suffered and were even unable to proceed on their journey. Charges to this effect were published in *Sac. Union*, June 28, 1851; but they should be taken with due allowance. Staples, *Incid.*, MS., 2-3, accuses the Mormons of manifesting their hatred for Missourians.

reaped a harvest in cheap labor, and by the ready exchange of provisions to starving emigrants for wagons, tools, clothing, and other effects, greatly to the delight of the leaders, who, at the first sight of gold from California, had prophesied plenty, and the sale of States goods at prices as low as in the east.[13] Others, eager as ever, and restive under the frequent delays and slow progress of the ox trains, would hasten onward in small parties, perhaps alone, perchance tempted into the numerous pitfalls known as cut-offs, to be lost in the desert, overcome by heat and thirst, or stricken down by furtively pursuing savages, whose boldness increased as the emigrant force became weak.[14]

But how insignificant appear the sufferings of the men in comparison with those of the women and children, driven after a long and toilsome journey into a desert of alkali. And here the dumb brutes suffer as never before. There are drifts of ashy earth in these flats in which the cattle sink to their bellies, and go moaning along their way midst a cloud of dust and beneath a broiling sun, while just beyond are fantastic visions of shady groves and bubbling springs; for this is the region of mirage, and not far off the desert extends into the terrible Valley of Death, accursed to all living things, its atmosphere destructive even to the passing bird. Many are now weakened by scurvy, fever, and exhaustion. There are no longer surplus relays. The remnant of animals is all pressed into service, horse and cow being sometimes yoked together. The load is still further lightened to re-

[13] Thus had spoken Heber C. Kimball, when the Mormon gold-finders arrived from California, although he doubted his own words the next moment. 'Yet it was the best prophetic hit of his life.' *Tullidge's Life of Young*, 203–8.

[14] Seven emigrants were surprised in the Klamath region by 200 Indians, and six cut down. Lord, *Naturalist*, 271, found bones and half-burned wagons near Yreka ten years later. Instance also in *U. S. Gov. Doc.*, 31st cong. 2d sess., Sen. Doc. 19, iii. 12. More than one solitary traveller is spoken of. See *Quigley's Irish Race*, 216; *Sac. Bee*, Oct. 3, 1870. One wheeled his baggage in a barrow at the pace of 25 miles a day, passing many who travelled with animals. *Coke's Ride*, 166; *Solano Co. Hist.*, 368–9.

lieve the jaded teams. Even feeble women must walk. The entire line is strewn with dead animals and abandoned effects. Vultures and coyotes hover ominously along the trail. Gloomy nights are followed by a dawn of fresh suffering. Now and then some one succumbs, and in despair bids the rest fly and



Across the Desert.

leave him to his fate. Some of the trains come to a stop, and the wagons are abandoned, while the animals are ridden or driven forward.[15]

[15] The passage of this desert was but a narrow stretch, from two to four score miles, according to the direction taken, but was very severe, especially to wanderers worn out and stricken with disease. Instances of suffering

The suffering in 1849 fell chiefly upon the later arrivals, when water was scarce and the little grass left by the earlier caravans had dried up. The savages, too, became troublesome. Several relief parties went out from the mines. In 1850 the suffering was more severe throughout, partly from the over-confidence created by the news of well-stocked markets in California, which led to the wasteful sacrifice of stores on the way by the overloaded caravans of 1849, and of the scarcity of supplies at the Mormon way-station. Hence many started with scanty supplies and poorer animals. The overflow of the Humboldt drove the trains to the barren uplands, lengthening the journey and starving the beasts. So many oxen and horses perished in the fatal sink that the effluvia revived the cholera, and sent it to ravage the enfeebled crowds which escaped into Sacramento Valley. Behind them on the plains were still thousands, battling not alone with this and other scourges, but with famine and cold, for snow fell early and massed in heavy drifts. Tales of distress were brought by each arrival, told not in words only, but by the blanched and haggard features, until California was filled with pity, and the government combined with the miners and other self-sacrificing men in efforts for the relief of the sufferers. Carried by parties in all directions across the mountains and through the snow,[16] train after train was saved; yet so many were the sufferers that only a comparatively small number could be much relieved. Emaciated men, carrying infants crying for

abound in the journals of the time. *Alta Cal.*, Dec. 15, 1849, et seq.; *Placer Times* of 1849; *S. F. Herald*, *Pac. News*, *Sac. Union*, etc., of following years. *Duncan's Southern Region*, MS., 1-2. See following note.

[16] During this year, 1849, the authorities appropriated $100,000 for relief, and troops passed eastward with supplies, partly under Maj. Rucker. See reports in *U. S. Gov. Doc.*, 31st cong. 1st sess., Sen. Doc. 52, xiii. 94-154; *Id.*, 30th cong. 2d sess., Acts and Resol., 155; *Smith's Rept*, in *Tyson's Geol.*, 84. The public also subscribed liberally. *Placer Times*, Sept. 15, 1849; *Sherman's Mem.*, i. 80. In 1850 the public made even greater efforts in all directions, and Capt. Waldo headed one relief train. *Upham's Notes*, 351-2; *Cal. Jour. Sen.*, 1851, 607-10; *Sac. Transcript*, Sept. 23, 1850, etc. Appeals for subscriptions and responses are given in all the journals of the time. See next note.

food, stopped to feed on the putrefying carcasses lining the road, or to drink from alkaline pools, only to increase their misery, and finally end in suicide.[17] "The suffering is unparalleled," cry several journals in September 1850, in their appeal for relief; nine tenths of the emigrants were on foot, without food or money; not half of their oxen, not one fourth of their horses, survived to cross the mountains, and beyond the desert were still 20,000 souls, the greater part of whom were destitute.[18]

After escaping from the desert, the emigrant had still to encounter the difficult passage of the Sierra Nevada, so dangerous after snow began to fall, as instanced by the terrible fate of the Donner party in 1846. Of the several roads, the most direct was along Truckee River to its source in the lake of that name,

[17] On the Humboldt, says Delano, *Life*, 238-9, three men and two women drowned themselves in one day.

[18] The report of the Waldo relief party, in *Sac. Transcript*, Sept. 23, 1850, stated that large supplies from Marysville had failed to pass beyond Bear Valley, west of the Sierra, owing to the animals failing. At the lower Truckee crossing beef had been deposited, and a number of stout animals sent to carry sick emigrants across the desert. Several starving men were encountered, and the dead bodies of others who had succumbed. Few were found with provisions, save their exhausted teams; one fourth, having no animals, lived on the putrefying carcasses, thus absorbing disease. Cholera broke out Sept. 8th, in one small train, carrying off eight persons in three hours, several more being expected to die. From the sink westward the havoc was fearful. Indians added to the misery by stealing animals. Of 20,000 emigrants still back of the desert, fully 15,000 were destitute, and their greatest suffering was to come; half of them could not reach the mountains before winter; from 5,000 to 8,000 lbs of beef were issued daily; flour was furnished only to the sick. Those yet at the head of the Humboldt were to be warned to turn back to Great Salt Lake. Similar accounts in earlier and later numbers. *Id.*, July 26, Aug. 16, Sept. 30, 1850, Feb. 1, 14, 1851, etc. Owing to the number of applicants, relief rations had to be reduced. *Id.*, Steamer eds. of Aug. 30th, Oct. 14th. Barstow, *Stat.*, MS., 12-13, who went out with provisions, declares that he could almost step from one abandoned wagon and carcass to another. See further accounts in *Miscel. Stat.*; *Shearer's Journal*, MS., 1-3; *Connor's Stat.*, MS., 4-5; *Dowell's Letters*, MS., 1-34; *Sherwood's Pocket Guide*, 47-64; *Picayune*, Aug. 21, Sept. 3-4, 12, 1850; *S. F. Cour.*, July 13, 24, Aug. 9, 17, 20, 26, 1850; *S. F. Herald*, July 13, 27-9, Aug. 21-2, 1850; *Deseret News*, Oct. 5, 1850; *Alta Cal.*, Dec. 17, 1850; *Delano's Life on Plains*, 234-42; *Pac. News*, Aug. 21-2, 24, 1850; *Sac. Bee*, Dec. 7, 1867; *Beadle's Western Wilds*, 38-40; *Alger's Young Adven.*, 185, etc.; *Los Angeles Rep.*, Feb. 28, Mar. 14, 1878; *Brown's Early Days*, MS., 2-4, 7. Devoted men like Waldo, who so freely offered themselves and their means for the relief of the sufferers, cannot be too highly praised and remembered by Californians.

and thence down the Yuba to Feather and Sacramento rivers.[19] The route so far described, by way of the

[19]Through Henness pass. A trail branched by Donner Lake along the north branch of the American. The most northern route, Lassen's, turned from the great bend of the Humboldt north-west to Goose Lake, there to swing southward by the Oregon trail along Pit River and Honey Lake into the Sacramento Valley. Hostile Indians, and snow, and greater extent of desert combined to give this the name of the Death Route, so that few followed it after the early part of 1849. *Yreka Jour.*, Feb. 18, 1874. A branch from it struck across Upper Mud Lake toward Honey Lake. Below Truckee ran the Carson River route, turning south of Lake Tahoe through Johnson Pass and down the south fork of American River. A branch turned to the west fork of Walker River through Sonora pass and Sonora to Stockton. The main route from the east is well described in a little emigrant's guide-book published by J. E. Ware. After giving the intending emigrant instructions as to his outfit, estimates of expense, directions for forming camp, etc., the author follows the entire route from one camping-place or prominent point to the next, describes the intervening road and river crossings, points out where fuel and water can be obtained, and gives distances as well as he can. In 1849 Ware set out for Cal., was taken ill east of Laramie, and heartlessly abandoned by his companions, and thus perished miserably. Delano says he was 'formerly from Galena, but known in St Louis as a writer.' *Life on the Plains*, 163. Alonzo Delano was born at Aurora, N.Y., July 2, 1806, and came to Cal. by the Lassen route in 1849, and of his journey published a minute account. After working in the placers for some time he went to S. F. and opened a produce store. In the autumn of 1851 he engaged in quartz-mining at Grass Valley, which was thenceforward his home. A year or two later he became superintendent of the Nevada Company's mill and mine, and then agent of Adams & Co.'s express and banking office. In Feb. 1855 he opened a banking-house of his own. In his position of agent for Adams & Co. at Grass Valley, he received orders to pay out no money either on public or private deposits, which orders he did not obey; but calling the depositors together, he read his instructions and said: 'Come, men, and get your deposits; you shall have what is yours so long as there is a dollar in the safe.' Five days later, on Feb. 20th, Delano opened a banking-house of his own; and so great was the confidence placed in his integrity that within 24 hours he received more money on deposit than he had ever held as agent for Adams & Co. From that time on he led a successful and honored career as a banker until the day of his death, which occurred at Grass Valley Sept. 8, 1874. For further particulars, see *Grass Valley Foothill Tidings*, Nov. 21, 1874; *Grass Valley Union*, Sept. 10, 1874; *Truckee Republican*, Sept. 10, 1874; *Sta Bárbara Index*, Sept. 24, 1874; *Portland Bulletin*, Oct. 7, 1874; *S. F. Alta*, Sept. 11, 1874. But it was as an author, not as a banker, that Delano was best known to the early Californians, and, by one of his books at least, to the wider world. This work, a vol. of some 400 pages, is an account of his journey overland to Cal., and embodies much information about early times in Cal., especially in the mining regions and small towns. Its title is: *Life on the Plains and among the Diggings; being Scenes and Adventures of an Overland Journey to California: with Particular Incidents of the Route, Mistakes and Sufferings of the Emigrants, the Indian Tribes, the Present and the Future of the Great West.* Auburn, 1854, and N.Y., 1861. The portion relating to the journey was written as a journal, in which the incidents of each day, the kind of country passed through, and the probable distance accomplished were noted. What does not relate to the immigration is more sketchy, but still valuable and accurate. Although Delano's most ambitious book, it was not his first. During the earlier years of residence in his adopted country he contributed a number of short humorous sketches illustrative of Cal. life to the various periodicals. These fugitive pieces were collected and pub-

Rocky Mountain South Pass and Humboldt River, known as the northern, received by far the largest proportion of travel; the next in importance, the southern, led from Independence by the caravan trail to Santa Fé, thence to deviate in different directions: by the old Spanish trail round the north banks of the Colorado, crossing Rio Vírgenes to Mojave River and desert, and through Cajon Pass to Los Angeles; by General Kearny's line of march through Arizona, along the Gila; by that of Colonel Cooke down the Rio Grande and westward across the Sonora table-land to Yuma. Others passed through Texas, Coahuila, and Chihuahua into Arizona, while not a few went by sea to Tampico and Vera Cruz, and thence across the continent to Mazatlan or other Mexican seaport to seek a steamer or sailing vessel, or even through Nicaragua, which soon sprang into prominence as a rival point of transit to the Isthmus.[20] Snow at least proving no

lished at Sacramento, in a volume of 112 pp., under the title of *Penknife Sketches; or Chips of the Old Block; a series of original illustrated letters, written by one of California's pioneer miners, and dedicated to that class of her citizens by the author.* Sac., 1853. A second edition, sixteenth thousand, was published in 1854, price one dollar. Like the cuts designed by Charles Nahl, which ornament this book, the humor of the author is of a rough and ready nature, but it is genial and withal graphic. The *Sketches* are the overflowing of a merry heart, which no hard times could depress, and through all their burlesque it is evident that the writer had a discerning and appreciative eye for the many strange phases which his new life presented. More famous humorists have arisen in California since the time of Old Block, his chosen *nom de plume;* but as the first of the tribe, so he was the most faithful in depicting life in the flush times. His *California Sketch-Book* is similar in nature to the *Penknife Sketches.* Besides his purely humorous pieces, Delano wrote a number of tales which appeared in the *Hesperian* and *Hutchings'* magazines, as well as some plays, which it is said were put upon the stage. See the *Grass Valley Foothill Tidings*, Nov. 21, 1874. In 1868 he published at S. F. *The Central Pacific, or '49 and '69, by Old Block*, a pamphlet of 24 pp., comparing the modes of traversing the continent at the two dates mentioned.

[20] The new Mexican routes have received full attention in the preceding volumes of this series, *Hist. Cal.*, in connection with Hispano-Mexican intercourse between New Mexico and Cal., with trapper roamings and the march overland of U. S. troops in 1846-7. Taylor, *Eldorado*, 131, speaks of Yuma attacks on Arizona passengers. See also records and references in the *Alta Cal.*, June 25, 1850, and other journals and dates, as in a preceding note; also *Hayes' Life*, MS., 69 et seq.; *Id.*, in *Misc. Hist. Pap.*, doc. 27, p. 35-6, 45, et seq.; *Hayes' Emig. Notes*, MS., 415, with list of his party; *Id.*, *Diary*, MS., 56; *Soulé's Stat.*, MS., 1 et seq.; *Sayward's Stat.*, MS., 2-5; *Perry's Travels*, 14-69, and *Woods' Sixteen Months*, 3 et seq., recording troubles and exactions of Mexican trips via Mazatlan and San Blas. So in *Overland*, xv. 241-8, on

material obstruction along the more southerly routes, a fair proportion of emigrants from the United States had availed themselves of the outlet for an earlier start,[21] and some 8,000 entered California from this quarter, including many Hispano-Americans, the latter pouring in, moreover, throughout the winter months by way of Sonora and Chihuahua.

The number of gold-seekers who reached California from all sources during the year 1849 can be estimated only approximately. The most generally accepted statement, by a committee of the California constitutional convention, places the population at the close of 1849 at 106,000, which, as compared with the census figure, six months later, of about 112,000, exclusive of Indians,[22] appears excessive. But the census was taken under circumstances not favorable to accuracy, and the preceding estimate may be regarded as equally near the truth, although some of the details are questionable.[23]

the San Blas route. The steamer *California* took on board at Acapulco, in July 1849, a party of destitute Americans, assisted by the passengers. *Santa Cruz Times*, Feb. 26, 1870. Rondé met five unarmed Frenchmen hauling a hand wagon through Chihuahua. *Charton, Tour du Monde*, iv. 160; *Southern Quart. Rev.*, xv. 224 et seq. In *Sherwood's Guide*, 57–8, is mentioned a fantastic balloon route by the 'patent aerial steam float' of R. Porter, to carry passengers at $100, including board and a precautionary return ticket; the trip to be made in four or five days!

[21] The fear of Mexican hostility, the comparatively inferior knowledge of this route, and its apparent roundabout turn made it less popular, at least north of the southern states.

[22] The total is 92,597 for all except three counties—Santa Clara, S. F., and Contra Costa, the returns for which were lost. *U. S. Seventh Census*, 966 et seq. Comparison with the state census of 1852 permits an estimate for these three of not over 19,500, whereof 16,500 were for S. F. town and county. The *Annals of S. F.*, 244, assumes 20,000 or even 25,000; others vary between 7,000 and 20,000 for S. F. city at the close of 1849, and as a large number of miners and others were then wintering there, the population must have fallen greatly by the time of taking the census. In July and Aug. 1849 the city had only 5,000 or 6,000. The influx by sea during the first six months of 1850 is reported by the S. F. custom-house at 24,288, whereof 16,472 were Americans. *U. S. Gov. Doc.*, 31st cong. 1st sess., H. Ex. Doc. 16, iv. 44–5. By deducting this figure and balancing departures with the influx from Mexico the total at the end of 1849 would be nearly 90,000.

[23] For instance, the population at the end of 1848 is placed by the committee at 26,000, of whom 13,000 were Californians, 8,000 Americans, and 5,000 foreigners. I estimate from the archives the native Californian element at little over 7,500 at the same period; 8,000 Americans is an admis-

I prefer, therefore, to place the number of white inhabitants at the close of 1849 at not over 100,000, accepting the estimated influx by sea of 39,000, of which about 23,000 were Americans, and 42,000 overland, of which 9,000 were from Mexico, 8,000 coming through New Mexico, and 25,000 by way of the South Pass and Humboldt River. Of this number a few thousand, especially Mexicans, returned the same year, leaving a population that approached 95,000.[24]

sible figure, including the Oregon influx, but 5,000 foreigners is somewhat excessive, as may be judged from my notes in preceding chapters on Mexican and other immigration. Indians are evidently excluded in all estimates. The other figures for the influx during 1849 appear near enough. They may be consulted as original or quoted estimates, among other works, in *Mayer's Mex. Aztec*, ii. 393; *Stillman's Golden Fleece*, 32; *Hittell's Hist. S. F.*, 139–40.

[24]About half-way between the federal estimates and those of the convention. The tendency of the latter was naturally to give the highest reasonable figures, and the wonder is that it did not swell them with Indian totals. Such exciting episodes as the gold rush are moreover apt to produce exaggeration everywhere. Thus a widely accepted calculation, as reproduced in *Cal. Past and Present*, 146–7, reaches 200,000, based on Larkin's report of 46,000 arrived by July 1849, and on calculations from Laramie of 56,000 passing there. 'A still larger number' came by sea, say 100,000, 'all Americans,' so that nearly 200,000 arrived, and in 1850 there would be more than 500,000 new arrivals from the U. S.! Even the *Report*, 15, of the govt agent, T. B. King, assumes loosely the arrival in 1849 of 80,000 Americans and 20,000 foreigners. *U. S. Gov. Doc.*, 31st cong. 1st sess., H. Ex. Doc. 59, 7. And Hittell, *Hist. S. F.*, 139–40, 155–6, so excessively cautious in some respects, not allowing over 8,000 inhabitants to S. F. in Nov. 1849, assigns 30,000 in June 1850 to three counties lacking in the census, of which about 25,000 must be meant for S. F., and so reaches a total of 122,000, while accepting the 100,000 estimate for 1849. The investigations of J. Coolidge of the Merchants' Exchange indicated arrivals at S. F. from March 31 to Dec. 31, 1849, of 30,675, excluding deserters; 12,237 coming from U. S. ports via Cape Horn, 6,000 via Panamá, 2,600 via San Blas and Mazatlan, the rest from other quarters. Figures in *Niles' Reg.*, lxxxv. 113, 127, 288, give 3,547 passengers for Chagres by April 1849; overland influx, adds *Sac. Record*, Mar. 28, 1874, 'probably exceeded that by sea twofold.' In a letter to the *St Louis Rep.* of June 10, 1849, from Fort Kearny, it was said that 5,095 wagons had passed; about 1,000 more left behind, and many turning back daily. There are 5,000 or 6,000 wagons on the way. *Alta Cal.*, Aug. 2, 1849. See also *Placer Times*, May 26, Oct. 13, 1849, etc. Kirkpatrick, *Journal*, MS., 14–16, states, on the other hand, that only 1,500 teams were supposed to be on the road between Platte ferry and Cal. during the latter half of June. The Santa Fé and South Pass arrivals embrace some Hispano-Americans and Oregonians. For further speculations on numbers I refer to *Williams' Rec. Early Days*, MS., 10; *Barstow's Stat.*, MS., 13; *Abbey's Trip*, 5, 26, 56; *S. F. Directory*, 1852–3, 10–11, 15; *Pioneer Arch.*, 182–3; *Larkin's Doc.*, MS., vi. 203; *Taylor's Eldorado*, ii. cap. iv.; *Simonin, Grand Ouest*, 290; *Janssens, Vida y Av.*, MS., 209–10; *Annals S. F.* 133, 244, 356, 484; *Polynesian*, vi. 74, 86–7; *Sac. Directory*, 1871, 36; *Niles' Reg.*, lxxv. 113, 127, 288, 320, 348, 383; *Home Miss.*, xxii. 44; *S. F. Pac. News*, Dec. 22, 27, 1849; Apr. 30; May 2, 8, 21, 24, 1850; *Alta Cal.*, July 2, Dec. 15, 1849; May 24, 1850; *S. F. Herald*, Nov. 15, 1850; Jan. 21, 1854; *Boston Traveler*, March 1850; *St Louis Anzeiger*, Apr. 1850; *S. F. Bulletin*,

The advance parties of the Rocky Mountain migration began to arrive in the Sacramento Valley toward the end of July, after which a steady stream came pouring in. They were bewildered and unsettled for a while under the novelty of their surroundings, for the rough flimsy camps and upturned, débris-strewn river banks, as if convulsed by nature, accorded little with the pictured paradise; but kind greeting and aid came from all sides to light up their haggard faces, and before the prospect of unfolding riches all past toil and danger faded like a gloomy dream. Even the cattle, broken in spirit, felt the reviving influence of the goal attained.[25] To many the visions of wealth which began anew to haunt their fancy proved only a reflection of the lately mocking mirages of the desert, till sober thought and strength came to reveal other fields of labor, whence they might wrest more surely though slowly the fortune withheld by fickle chance. And here the overland immigrants as a mass had the advantage, coming as they did from the small towns, the villages, and the farms of the interior, or from the young settlements on the western frontier. Accustomed to a rugged and simple life, they craved less for excitement; and honest, industrious, thrifty, and self-reliant, they could readily fall back upon familiar toil and find a potent ally in the soil. A large proportion, indeed, had come to cast their lot in a western home. The emigrants by sea, on the other hand, speaking broadly and with all due regard to exceptions, were pioneers not so natural and befitting to an en-

Apr. 6, 1868. Arrivals in 1850 will be considered later in connection with population.

[25] Among the first comers was 'Jas S. Thomas from Platte City.' *Burnett's Rec.*, MS., ii. 127. 'The first party of packers reached Sac. about July 18th; four wagons were there in Pleasant Valley, 100 miles above.' *Alta Cal.*, Aug. 2, 1849. The hungry and sick received every care, despite the absorbing occupation of all and the high cost of food. Sutter aided hundreds. Used to open-air camping, many could not endure sleeping in a house for a long time. McCall, *Great Cal. Trail*, 1–85, left St Joseph May 5th; reached Ft Kearny May 29th; Ft Laramie June 18th; Green River July 10th; Humboldt River Aug. 10th; Truckee River Aug. 29th; and coming down by Johnson's Ranch, arrived at Sutter's Sept. 7th.

tirely new country. They embraced more of the abnormal and ephemeral, and a great deal of the criminal and vicious, in early California life. They might build cities and organize society, but there were those among them who made the cities hot-beds of vice and corruption, and converted the social fabric into a body nondescript, at the sight of which the rest of the world stood wrapped in apprehension.[26]

[26] Additional authorities: *U. S. Govt Docs*, 30 Cong. 1 Sess., H. Ex. Doc. 1, p. 32; *Id.*, 30 Cong. 2 Sess., U. S. Acts and Resol. 1–155; *Id.*, 31 Cong. 1 Sess., H. Ex. Doc. 5, pt. i., 224, 429–33; H. Ex. Doc. 17, passim; H. Ex. Doc. 52, xiii. 94–154; H. Ex. Doc. 59, 7, 26; *Id.*, 31 Cong. 2 Sess., H. Ex. Doc. 1, p. 77, 208; Sen. Doc. 19, iii. 12–15; *Id.*, 32 Cong. 1 Sess., Sen. Doc. 50, passim; Sen. Doc. 124, pp. 1–222; Mess. and Docs, 1847–8, ii. 955–6; *Wilkes' Exp.*, v. 181; *Velasco, Notic. Son.*, 289, 320–33; *Simonin, Grand Ouest*, 290 et seq.; *Sherman's Mem.*, i. passim; *Larkin's Docs*, iii. 215; vi. 74, 111, 116, 128, 130, 132, 144, 173, 178, 180, 185, 198, 203, 219; vii. 24, 94; *Manrow's Vig. Committee*, MS., 1–67; *Hayes' Life*, MS., 69–70; *Id., Diary*, passim; *Id., Scraps Ariz.*, v. 29; *Id., Scraps L. Ang.*, i. 205; *Id., Miscel. Hist. Papers*, doc. 27; *Id., Coll. Mining Cal.*, i. 1; *Id., Coll. Mining*, v. 3–12, 85; *Id., Cal. Notes*, i. 101; iii. 153; v. 16, 20, 85; *Williams' Stat.*, MS., 1–3, 6–12; *Yreka Journal*, Feb. 18, 1874; *Janssen's Vida y Avent.*, 209–10; *Künzel, Obercalifornien; Bigler's Diary of a Mormon*, 56–79, 91; *Buffum's Six Months*, 68–9, 111–22, 156; *Burnett's Recoll.*, MS., passim; *Carson's Early Recoll.; Gillespie's Vig. Com.*, MS., 3–4; *Hitchcock's Stat.*, MS., 1–7; *Annals S. F.*, passim; *Beadle's West. Wilds*, 38–40; *Bluxome's Vig. Com.*, MS., 1–2; *Connor's Early Cal.*, MS., 1–5; *Cerruti's Ramblings*, 66–7, 94 et seq.; *Mollien's Travels Col.*, 409–13; *Robinson's Cal. Gold Region*, passim; *Stillman's Golden Fleece*, 19–32, 327–52; *Stuart's Trip to Cal.*, 2–3; *Tyson's Geol. of Cal.*, 84; *Bolton vs U. S.*, app. 88–95; *Kirkpatrick's Journal*, MS., 3–16; *Jenkins' U. S. Ex. Exped.*, 431–2; *The Friend, Honolulu*, vii. 21; viii. 28; *Kanesville, Ia, Front Guard*, July 25, 1849; *Petaluma Argus*, Apr. 4, 1873; *Pan. Star*, Feb. 24, 1849; *Ryckman's Stat.*, MS., 11, 20; *Estrella de Occid.*, Nov. 16, 1860; *Retes, Portentosas Riq. Min.; Sac. Direct.*, 1871, 36; *Abbey's Trip across Plains*, 5, 26, 56; *Alger's Young Advent.*, 185–293; *Brooks' Four Months*, passim; *Brackett's U. S. Cáv.*, 125–7; *S. F. Argonaut*, passim; *Revere's Tour of Duty*, 254–6; *Id., Keel and Saddle*, 151–4; *S. F. Whig and Advert.*, June 11, 1853; *Treasury of Trav.*, 92–4; *Truckee Tribune*, Jan. 8, 1870; *Revue des deux Mondes*, Feb. 1, 1849; *Browne's Min. Res.*, 14–15; *Arch. Mont. Co.*, xiv. 18; *Arch. Sta Cruz Co.*, 107; *Fay's Hist. Facts*, MS.; *Dwinelle's Add.*, 104–12; *Doc. Hist. Cal.*, i. 505; *Digger's Hand Book*, 45–53; *Henshaw's Stat.*, MS.; *Helper's Land of Gold*, 101; *Borthwick's Stat.*, MS., 2–5; *Brown's Early Days of Cal.*, MS., 1–7; *Boynton's Stat.*, MS., 1; *Codman's The Round Trip*, 28; *Tiffany's Pocket Exch. Guide*, 16; *Gilroy Advocate*, Apr. 24, 1875; *Folsom Telegraph*, Sept. 17, 1871; *Ferry, Cal.*, 105–6, 306–28; *Colusa Sun*, March 8, 1873; *Bryant's What I Saw in Cal.*, i. 142–3; *Ashley's Docs Hist. Cal.*, 223, 271–396; *Antioch Ledger*, Dec. 24, 1870; July 1, 1876; *Tuthill's Cal.*, 234; *Thornton's Oregon and Cal.*, 270; *Gold Hill Daily News*, Apr. 16, 1872; *Coke's Ride*, 156, 166; *Findla's Stat.*, MS., passim; *Dowell's Letters*, MS., 1–34; *Duncan's Southern Oregon*, MS., 1–2; *Quigley's Irish Race; Grass Valley Repub.*, March 8, 1872; *Cronise's Nat. Wealth*, 56–7; *Roach's Stat.*, MS., 1–2; *Del Mar's Hist. Precious Met.*, 258 et seq.; *Dameron's Autobiog.*, MS., 19; *Taylor's Betw. Gates*, 25–30, 61–7, 131; *Id., El Dorado*, i. 26–9, 48; ii. 36, 222–3; *Van Allen*, in *Miscel. Stat.*, 31; *Van-*

derbilt, in *Miscel. Stat.*, 1, 32–3; *Wheaton's Stat.*, MS., 2–3; *Charton, Tour du Monde*, iv. 160; *Barnes' Or. and Cal.*, MS., 19, 26; *Weik, Cal. wie es ist*, 29–51; *Du Hailly*, in *Rev. des deux Mondes*, Feb. 15, 1849; *Barrow's Twelve Nights*, 165–268; *Vallejo Recorder*, March 14, 1868; Oct. 12, 1869; *Woods' Sixteen Months*, passim; *Dunbar's Romance*, 48, 55–89, 102–6; *Ware's Emig. Guide*, 1–55; *Alameda Co. Hist. Atlas*, 14; *Valle, Doc.*, 58; *Cal. Past and Present*, 77, 146–7; *Castroville Argus*, June 12, 19, 1875; *Robinson's Stat.*, MS., 23–4; *Willey's Pers. Mem.*, MS., 25, 58–75, 111–18; *Ross' Stat.*, MS., 1–12; *Ryan's Pers. Adv.*, ii. 273–5; *Id.*, *Judges and Crim.*, 72–9; *Pion. Mag.*, iv. 380; *Olympia Transcript*, June 17, 1876; *Dept. St. P. (Ang.)*, viii. 6, 16; *Dean's Stat.*, MS., 1–2; *Kane*, in *Miscel. Stat.*, 7–11; *Humboldt Times*, March 7, 1874; *Schlagentweit, Cal.*, 216; *Winans' Stat.*, MS., 1–5, 23–4; *Lake Co. Bee*, March 8, 1873; *Napa Reg.*, Aug. 1, 1874; *McClellan's Golden State*, 119–46; *Barry's Up and Down*, 93–7; *Schmiedell's Stat.*, MS., 6; *Walton's Facts from Gold Regions*, 8, 19–32; *Crosby's Events in Cal.*, MS., 13–26; *Santa Cruz Times*, Feb. 19, 26, 1870; *S. F. Times*, July 20, 1867; *Shearer's Journal*, MS., 1–3, 11; *Warren's Dust and Foam*, 12–14, 133, 153–6; *West Coast Signal*, Apr. 15, 1874; *Nev. Co. Hist.*, 41, 45; *Merrill's Stat.*, MS., 1–3; *Alameda Co. Gaz.*, March 8, 1873; March 14, 1874; Jan. 9, May 29, 1875; *Barstow's Stat.*, MS., 1–4, 14; *St Louis Union*, May 25, 1849; *Cassin's A Few Facts*, 1–5, 17–18; *Doolittle's Stat.*, 1–22; *Morgan's Trip across the Plains*, 1–21; *Carver's Travels*, 122; *Cal. Pioneers, Docs*, passim; *Wilmington Enterprise*, Jan. 21, 1875; *Sayward's Pers. Rem.*, MS., 2; *San José Argus*, Oct. 16, 1875; *Stockton Indep.*, Nov. 1, 1873; Apr. 4, 1874; Jan. 30, Oct. 19, 1875; *Low's Stat.*, MS., 1–5; *Massett's Exper. of a '49er*, 1–10; *Sand. Islands News*, ii. 134, 147, 158, 186; *Hawley's Observ.*, MS., 1–3; *Sta Cruz Sentinel*, July, 15, 1875; *Vandyke's Stat.*, MS., 1–2, etc.; *Soulé's Stat.*, MS., 1–2; *Vallejo D. Indep.*, June 1–8, 1872; *Staples' Stat.*, MS.; *Neall's Vig. Com.*, MS., 3, 22–4; *Coleman's Vig. Com.*, MS., 175–83; *Matthewson's Stat.*, MS., 1; *Swan's Trip*, 1–3, 13; *Lord's B. Col. Naturalist*, 271; *Cent. Amer. Miscel. Docs*, 44; *Delano's Life on the Plains*, passim; *Home Miss.*, xxii. 44, 185–6; *Sonora Book*, iv. 174, in *Pinart, Coll.*; *Sherwood's Pocket Guide to Cal.*, 27, 47–64; *Sac. Union*, Jan. 23, 26, Feb. 13, Dec. 30, 1856, etc.; *Solano Repub.*, Sept. 29, 1870; *S. F. Ev'g Post*, July 14, 1877; *Nev. D. Gaz.*, June 9, 1866; Jan. 20, 22, 1868; *Leavitt's Scrap Book*; *Little's Stat.*, MS., 1–4; *Cerruti's Ramblings*, 46; *Holinski, La Cal.*, 144; *Vallejo Chron.*, July 25, Oct. 10, 1874; *San José Mercury*, Apr. 28, 1876; *Cronise's Nat. Wealth*, 57; *Id.*, *Stat.*, MS., 1; *Sutton's Early Exper.*, MS., 1; *South. Quart. Rev.*, xv. 224; *Melbourne Mg Herald*, Feb. 6, 7, 10, 1849; *Stockton D. Herald*, May 18, 1871; *Nevada City and Grass Valley Dir.*, 1856, 43; *L. Ang. Repub.*, Feb. 28, March 14, May 18, 1878; *Cal., Adv. Capt. Wife*, 18, 20, 41–2; *Sac. Transcript*, Oct. 15, 1850; Feb. 1, 1851; *Overland Monthly*, ix. 12–13; xii. 343; xv. 241–8; *S. F. Cal. Star*, Oct. 1847 to June 1848, passim; *S. F. Ev'g Post*, Aug. 8, 1883; *Mayer's Mex. Azt.*, ii. 393; *Slater's Mormonism*, 5–12, 87; *Pfeiffer's Sec. Journ.*, 290; *Soc. Mex. Geog.*, xi. 127–34; *San Diego Union*, July 22, 1874; *S. F. Evening Picayune*, Aug. 30, Sept. 4, 12, Oct. 5, Nov. 27, Dec. 18, 1850; *Scherzer's Narr.*, iii. 425–30; *Oakland Alam. Co. Gaz.*, May 29, 1875; *Oakland Transcript*, Aug. 7, 1872; March 1, 1873; June 16, 1876; *S. F. Pac. News*, Nov. 1849 to Dec. 1850, passim; *S. F. Bulletin*, Apr. 9, May 12, 31, July 29, Dec. 2, 1858; Jan. 31, Feb. 12, Apr. 29, 30, May 25, June 2, 3, Aug. 15, Sept. 18, 30, Oct. 29, 1859; March 1, 29, 1860; Aug. 21, 1862, etc.; *Pion. Arch.*, passim; *Pearson's Recoll.*, MS., 1–2; *Preble's Hist. Steam Navig.*, 321–4; *S. F. Daily Herald*, June 1850 to Feb. 1851, passim; *Solano Co. Hist.*, 65–6, 154, 368–9, 451; *San José Pioneer*, Jan. 27, Feb. 24, Aug. 4, Dec. 8, 29, 1877; Oct. 9, 1880; *Pio Pico, Times*, MS., 141–6; *Hunt's Merch. Mag.*, xviii. 467–76; xx. 55–64; xxi. 585–6; xxxii. 354–5; *Parson's Life of Marshall*, passim; *Californian*, 1847–8, passim; *McCollum's Cal. as I Saw It*, 17, 25–6; *Perry's Travels*, 14–69; *First Steamship Pioneers*, passim; *Polynesian*, v. and vi., passim; vii. 18, 62, 131; *Shuck's Scrap Book*, 83–4; *Moore's Pion. Exper.*, MS., 1; *Id.*, *Recoll. of Early Days*, MS., 2; *Shasta Courier*, Nov. 18, 1865; March 16, 1867; *Placer Times*, Apr. 28, May 19, 26,

June 2, Aug. 11, Sept. 15, Oct. 13, Dec. 1, 1849; May 22, 1850; *S. F. Directory*, 1852 (Parker), 10; *Id.*, 1852–3, 10–14; *Sac. Bee*, Dec. 7, 1869; Nov. 21, 1871; March 28, Aug. 27, 1874; July 7, 1875; Nov. 26, 1878; *S. F. Cal. Courier*, 1850–1, passim; *S. F. Alta Cal.*, 1849–75, passim; *Hittell's Cal.*, 124–5; *Id.*, *Mining*, 17; *Id.*, *S. F.*, 125–56, etc.; *Id.*, *Hand Book*, 12–18; *El Sonorense*, Feb. 21, March 21, 30, Apr. 18, 26, May 11, 1849; *Vallejo*, *Col. Doc. Hist. Cal.*, xii. 344; xxxv. 47, 148, 192; xxxvi. 287; *Niles' Reg.*, lxxiv. 257, 336–7; lxxv. 69–70, 113, 127, 288, 320, 348, 383.

CHAPTER X.

SAN FRANCISCO.

1848-1850.

Site and Surroundings—Rivals—Effect of the Mines—Shipping—Influx of Population—Physical and Commercial Aspects—Business Firms—Public and Private Buildings—National Localities—Hotels and Restaurants—Prices Current—Property Values—Auction Sales—Wharves and Streets—Early Errors—Historic Fires—Engines and Companies—Immigration and Speculation—Politics—The Hounds—City Government.

Many cities owe their origin to accident; some to design. In the latter category may be placed most of those that sprang up upon this western earth's end, and notably San Francisco. When the Englishman Richardson moved over from Sauzalito to Yerba Buena Cove in the summer of 1835, and cleared a place in the chaparral for his trading-tent; when the American Jacob P. Leese came up from Los Angeles, and in connection with his friends of Monterey, William Hinckley and Nathan Spear, erected a substantial frame building and established a commercial house there in the summer of 1836—it would appear that these representatives of the two foremost nations of the world, after mature deliberation, had set out to lay the foundation of a west-coast metropolis. The opening of the Hudson's Bay Company branch establishment in 1841 added importance to the hamlet. Although founded on the soil and under the colors of Anáhuac, it never was a Mexican settlement, for the United States element ever predominated, until the

spirit of '76 took formal possession under symbol of the American flag, wafted hither over subdued domains.

The inducements for selecting the site lay in its proximity to the outlet of the leading harbor[1] upon the coast, a harbor to which so many huge rivers and rich valleys were tributary, and to which so many land routes must necessarily converge. A position so commanding led to the establishment here of a presidio immediately after the occupation of the country, under whose wings sprang up a flourishing mission establishment. The harbor commended itself early to passing vessels, and although finding Sauzalito on the northern shore the best station for water and wood, they were obliged to come under cognizance of the military authorities at the fort, and to seek the more substantial supplies at the mission, both establishments presenting, moreover, to trading vessels, in their not inconsiderable population, and as the abutting points for the settlements southward, an all-important attraction. These primary advantages outweighed greatly such drawbacks as poor landing-places, lack of water sources and farming land in the vicinity, and the growing inconvenience of communication with the main settlements now rising in the interior. The opportune strategy of Alcalde Bartlett in setting aside the name of Yerba Buena, which threatened to overshadow its prospects, and restoring that of Saint Francis, proved of value in checking the aspirations of Francisca, later called Benicia. And our seraphic father of Assisi remembered the honor, by directing to its shore the vast fleet of vessels which in 1849 began to empty here their myriads of passengers and cargoes of merchandise. This turned the scale, and with such start, and the possession of capital and fame, the town distanced every rival, Benicia with all her superior natural advantages falling far behind.

[1] Opinions upon its merits have been expressed by many prominent explorers. Gen. Smith strongly disparaged the site from a military and commercial point of view, while becoming enthusiastic over the advantages of Benicia.

Nevertheless, doubters became numerous with every periodic depression in business;[2] and when the gold excitement carried off most of the population,[3] the stanchest quailed, and the rival city at the straits, so much nearer to the mines, seemed to exult in prospective triumph. But the golden storm proved menacing only in aspect. During the autumn the inhabitants came flocking back again, in numbers daily increased by new arrivals, and rich in funds wherewith to give vitality to the town. Building operations were actively resumed, nothwithstanding the cost of labor,[4] and real estate, which lately could not have found buyers at any price, now rose with a bound to many times its former value.[5] The opening of the first wharf for sea-going vessels, the Broadway,[6] may be regarded as the beginning of a revival, marked also by the resurrection of the defunct press,[7] and the establishment of a school, and of regular protestant worship,[8] propitiatory measures well needed in face of

[2] As early in 1848, when several firms discontinued their advertisements in the *Californian*. Others thought it expedient, as we have seen, to seek a prop for the prevailing land and other speculations, by bringing the resources of the country and the importance of the town before the people of the eastern states. This was done by the pen of Fourgeaud in the *Cal. Star*, Mar. 18, 1848, and following numbers.

[3] The absorbing municipal election of Oct. 3d showed only 158 votes. *Annals S. F.*, 206. See chapter i. in this vol. on condition in Jan., and chapter iv. on exodus.

[4] Tenfold higher than in the spring. Effects stood in proportion. Eggs $12 a dozen; Hawaiian onions and potatoes $1.50 a ℔.; shovels $10 each, etc. The arrival of supplies lowered prices till flour sold at from $12 to $15 a barrel in Dec. *Star and Cal.*, Dec. 1848; *Buffum's Six Months*, 23.

[5] For spring prices, see preceding volume, v. 652–4. A strong influence was felt by the arrival in Sept. of the brig *Belfast* from New York, whose cargo served to lower the price of merchandise, but whose inauguration of the Broadway wharf as a direct discharging point inspired hope among the townsfolk. Real estate rose 50 per cent near the harbor; a lot vainly offered for $5,000 one day, 'sold readily the next for $10,000.' *S. F. Directory*, 1852, 9. By Nov. the prices had advanced tenfold upon those ruling in the spring, and rents rose from $10 and $20 to $20 and $100 per month. To returning lot-holders this proved another mine, but others complained of the rise as a drawback to settlement. *Gillespie*, in *Larkin's Doc.*, MS., vi. 52, 66; *Earll's Stat.*, MS., 10.

[6] For earlier progress of wharves, see preceding vol., v. 655, 679.

[7] The *Californian* had maintained a spasmodic existence for a time till bought by the *Cal. Star*, which on Nov. 18th reappeared under the combined title, *Star and Californian*, after five months' suspension. In Jan. 1849 it appears as the *Alta California*, weekly.

[8] Rev. T. D. Hunt, invited from Honolulu, was chosen chaplain to the

the increased relapse into political obliquity and dissipation, to be expected from a population exuberant with sudden affluence after long privation.[9]

Yet this period was but a dull hibernation of expectant recuperation for renewed toil,[10] as compared with the following seasons. The awakening came at the close of February with the arrival of the first steamship, the *California*, bearing the new military chief, General Persifer F. Smith, and the first instalment of gold-seekers from the United States. Then vessel followed vessel, at first singly, but erelong the horizon beyond the Golden Gate was white with approaching sails; and soon the anchorage before Yerba Buena Cove, hitherto a glassy expanse ruffled only by the tide and breeze, and by some rare visitor, was thickly studded with dark hulks, presenting a forest of masts, and bearing the symbol and stamp of different countries, the American predominating. By the middle of November upward of six hundred vessels had entered the harbor, and in the following year came still more.[11] The larger proportion were left to swing at anchor in the bay, almost without guard—at one time more than 500 could be counted—for the crews, possessed no less than the passengers by the gold fever, rushed away at once, carrying off the ship boats, and caring little for the pay due them, and still less for the dilemma of the consignees or captain. The helpless commander frequently joined in the flight.[12] So high was the cost of labor, and so glutted the market at times with certain goods, that in some instances it did not pay to

citizens, with $2,500 a year. Services at school-house on Portsmouth square. *Annals S. F.*, 207.

[9] There were now general as well as local elections, particulars of which are given elsewhere.

[10] As spring approached, attention centred on preparations, with impatient waiting for opportunities to start for the mines. Hence the statement may not be wrong that 'most of the people of the city at that time had a cadaverous appearance, ...a drowsy listlessness seemed to characterize the masses of the community.' *First Steamship Pioneers*, 366.

[11] As will be shown in the chapter on commerce.

[12] Taylor instances a case where the sailors coolly rowed off under the fire of the government vessels. *El Dorado*, i. 54. Merchants had to take care of many abandoned vessels. *Fay's Facts*, MS., 1–2.

unload the cargo. Many vessels were left to rot, or to be beached for conversion into stores and lodging-houses.[13] The disappointments and hardships of the mines brought many penitents back in the autumn, so as to permit the engagement of crews.

Of 40,000 and more persons arriving in the bay, the greater proportion had to stop at San Francisco to arrange for proceeding inland, while a certain number of traders, artisans, and others concluded to remain in the city, whose population thus rose from 2,000 in February to 6,000 in August, after which the figure began to swell under the return current of wintering or satiated miners, until it reached about 20,000.[14]

To the inflowing gold-seekers the aspect of the famed El Dorado city could not have been very inspiring, with its straggling medley of low dingy adobes of a by-gone day, and frail wooden shanties born in an

[13] By cutting holes for doors and windows and adding a roof. Merrill, *Stat.*, MS., 2–4, instances the well-known *Niantic* and *Gen. Harrison*. Larkin, in *Doc. Hist. Cal.*, vii. 288, locates the former at N. W. corner Sansome and Clay, and the latter (owned by E. Mickle & Co.) at N. W. corner Battery and Clay. He further places the *Apollo* storeship, at N. W. corner Sacramento and Battery, and the *Georgean* between Jackson and Washington, west of Battery st. Many sunk at their moorings. As late as Jan. 1857 old hulks still obstructed the harbor, while still others had been overtaken by the bayward march of the city front, and formed basements or cellars to tenements built on their decks. Even now, remains of vessels are found under the filled foundations of houses. Energetic proceedings of the harbor-master finally cleared the channel. This work began already in 1850. Chas Hare made a regular business of taking the vessels to pieces; and soon the observant Chinese saw the profits to be made, and applied their patient energy to the work. Among the sepulchred vessels I may mention the *Cadmus*, which carried Lafayette to America in 1824; the *Plover*, which sailed the Arctic in search of Franklin; the *Regulus, Alceste, Thames, Neptune, Golconda, Mersey, Caroline Augusta, Dianthe, Genetta de Goito, Candace, Copiapo, Talca, Bay State*, and others.

[14] It is placed at 3,000 in March, 5,000 in July, and from 12,000 to 15,000 in Oct., the latter by Taylor, *Eldorado*, 205, and a writer in *Home Miss.*, xxiii. 208. Some even assume 30,000 at the end of 1849. In the spring the current set in for the mines, leaving a small population for the summer. The first directory, of Sept. 1850, contained 2,500 names, and the votes cast in Oct. reached 3,440. *Sac. Transcript*, Oct. 14, 1850. Hittell, *S. F.*, 147–8, assumes not over 8,000 in Nov. 1849, on the strength of the vote then cast of 2,056, while allowing about 25,000 in another place for Dec. The *Annals S. F.*, 219, 226, 244, insists upon at least 20,000, probably nearer 25,000. There are other estimates in *Mayne's B. Col.* 157. The figures differ in *Crosby's Events*, MS., 12; *Williams' Stat.*, MS., 3; *Green's Life*, MS., 19; *Burnett's Recol.* MS., ii. 36; *Bartlett's Stat.*, MS., 3.

SAN FRANCISCO

— IN —

1849-50.

The graded shading indicates the relative density of occupation in the business and leading residence sections



San Francisco in 1849.

afternoon, with a sprinkling of more respectable frame houses, and a mass of canvas and rubber habitations. The latter crept outward from the centre to form a flapping camp-like suburb around the myriad of sand hills withered by rainless summer, their dreariness scantily relieved by patches of chaparral and sage-brush, diminutive oak and stunted laurel, upon which the hovering mist-banks cast their shadow.[15]

It was mainly a city of tents, rising in crescent incline upon the shores of the cove. Stretching from Clark Point on the north-east, it skirted in a narrow band the dominant Telegraph hill, and expanded along the Clay-street slopes into a more compact settlement of about a third of a mile, which tapered away along the California-street ridge. Topographic peculiarities compelled the daily increasing canvas structures to spread laterally, and a streak extended northward along Stockton street; but the larger number passed to the south-west shores of the cove, beyond the Market-street ridge, a region which, sheltered from the blustering west winds and provided with good spring water, was named Happy Valley.[16] Beyond an at-

[15] Hardly any visitor fails to dilate upon the dreary bareness of the hills, a 'corpse-like waste,' as Pfeiffer, *Lady's Second Jour.*, 288, has it. *Helper's Land of Gold*, 83.

[16] All this shore beyond California street, for several blocks inland, was called Happy Valley; yet the term applied properly to the valley about First, Second, Mission, and Natoma sts. The section along Howard st was known as Pleasant Valley. *Dean's Stat.*, MS., 1; *Currey's Incidents*, MS., 4; *Willey*, and pioneer letters in *S. F. Bulletin*, May 17, 1859; Jan. 23, Sept. 10, 1867. The unclaimed soil was also an attraction. The hill which at the present Palace Hotel rose nearly threescore feet in height in a measure turned the wind. Yet proportionately more people died in this valley, says Garniss, *Early Days*, MS., 10, than in the higher parts of S. F. Currey estimates the number of tents here during the winter 1849–50 at 1,000, and adds that the dwellings along Stockton st, north from Clay, were of a superior order. *Ubi sup.*, 8. Details on the extent of the city are given also in *Williams' Recol.*, MS., 6; *Merrill, Stat.*, MS., 2, wherein is observed that it took half an hour to reach Fourth st from the plaza, owing to the trail winding round sand hills. *Sutton's Early Exper.*, MS., 1; *Barstow's Stat.*, MS., 2; *Roach's Stat.*, MS., 2; *Doolittle's Stat.*, MS., 2; *Upham's Notes*, 221; *Turrill's Cal. Notes*, 22–7; *Winans' Stat.*, MS., 514; *Fay's Facts*, MS., 3; *Findla's Stat.*, MS., 3, 9; *Robinson's Cal. and Its Gold Reg.*, 10; *Walton's Facts*, 8; *Richardson's Missis.*, 448, with view of S. F. in 1847; *Lloyd's Lights and Shades*, 18–20; *Saxon's Five Years*, 309–12; *Henshaw's Events*, MS., 2; *Richardson's Mining*, MS., 10–11; *Frisbie's Remin.*, MS., 36–7; *Sixteen Months*, 46, 167; *Cal. Gold Regions*, 105, 214; *Hutchings' Mag.*, i. 83; *Dilke's Greater Britain*, 209, 228–32; *Clemens'*

tenuated string continued toward the government reservation at Rincon Point, the south-east limit of the cove.[17]

Thus the city was truly a fit entrepôt for the gold region. Yet, with the distinctive features of different nationalities, it had in the aggregate a stamp of its own, and this California type is still recognizable despite the equalizing effect of intercourse, especially with the eastern states.

The first striking landmark to the immigrant was Telegraph hill, with its windmill-like signal house and pole, whose arms, by their varying position, indicated the class of vessel approaching the Golden Gate.[18] And many a flutter of hope and expectation did they evoke when announcing the mail steamer, laden with letters and messengers, or some long-expected clipper-ship with merchandise, or perchance bringing a near and dear relative! Along its southern slopes dwellings began rapidly to climb, with squatters' eyries perched upon the rugged spurs, and tents nestling in the ravines. Clark Point, at its foot, was for a time a promising spot, favored by the natural landing advantages, and the Broadway pier, the first ship wharf; and its section of Sansome street was marked by a number of corrugated iron stores; but with the rapid extension of the wharf system, Montgomery street reaffirmed its position as the base line for business. Most of the heavy import firms were situated along its eastern side, including a number of auction-houses, conspicuous for their open and thronged doors, and the

Roughing It, 410, 417, 444; *Nouv. Annales Voy.*, 1849, 224; *Voorhies' Oration*, 4–5; *Pac. News*, Nov. 27, 1849; Dec. 27, 1850; *New and Old*, 69 et seq.; *McCollum's Cal.*, 33–6. Earlier details at the close of preceding volume.

[17] A mile across from Clark Point. These two points presented the only boat approach at low water. A private claim to Rincon Point reservation was subsequently raised on the ground that the spot had been preëmpted by one White; but government rights were primary in cases involving military defences. *S. F. Times*, Apr. 7th.

[18] This improved signal-station, in a two-story house 25 ft by 18, was erected in Sept. 1849. Reminiscences in *S. F. Call*, Dec. 8, 1870; *Taylor's Eldorado*, i. 117. After the telegraph connected the outer ocean station with the city, the hill became mainly a resort for visitors. The signal-house was blown down in Dec. 1870.

hum of sellers and bidders. On the mud-flats in their rear, exposed by the receding tide, lay barges unloading merchandise. Toward the end of 1849, piling and filling pushed warehouses ever farther out into the cove, but Montgomery street retained most of the business offices, some occupying the crossing thoroughfares. Clay street above Montgomery became a dry-goods centre. Commercial street was opened, and its water extension, Long Wharf, unfolded into a pedler's avenue and Jews' quarter, where Cheap Johns with sonorous voices and broad wit attracted crowds of idlers. The levee eastward was transformed into Leidesdorff street, and contained the Pacific Mail Steamship office. California street, which marked the practical limit of settlement in 1848, began to attract some large importing firms; and thither was transferred in the middle of 1850 the custom-house, round which clustered the express offices and two places of amusement. Nevertheless, the city by that time did not extend beyond Bush street, save in the line along the shore to Happy Valley, where manufacturing enterprises found a congenial soil, fringed on the west by family residences.

Kearny street was from the first assigned to retail shops, extending from Pine to Broadway streets, and centring round Portsmouth square, a bare spot, relieved alone by the solitary liberty-pole, and the animals in and around it.[19] The bordering sides of the plaza were, however, mainly occupied by gambling-houses, flooded with brilliant light and music, and with flaring streamers which attracted idlers and men seeking relaxation. Additional details, with a list of business firms and notable houses and features, I append in a note.[20] At the corner of Pacific street stood a four-

[19] It long remained a cow-pen, enclosed by rough boards. *Helper's Land of Gold*, 74.

[20] A record of the business and professional community of S. F. in 1849–50 cannot be made exhaustive or rigidly accurate for several obvious reasons. There was a constant influx and reflux of people from and to the interior, especially in the spring and autumn. The irregularity in building and numbering left much confusion; and the several sweeping conflagrations

story building adorned with balconies, wherein the City Hall had found a halting-place after much mi-

which caused the ruin, disappearance, and removal of many firms and stores, added to the confusion. Instability characterized this early period here as well as in the ever-shifting mining camps. I would have preferred to limit the present record of the city to 1849 as the all-important period, but the autumn and spring movements force me over into the middle of 1850. The vagueness of some of my authorities leads me occasionally to overstep even this line. These authorities are, foremost, the numerous manuscript dictations and documents obtained from pioneers, so frequently quoted in this and other chapters; the ayuntamiento minutes; advertisements and notices in the *Alta California*, *Pacific News*, *Journal of Commerce*, *California Courier*, *S. F. Herald*, *Evening Picayune*, and later newspapers; and *Kimball's Directory of S. F.* for 1850, the first work of the kind here issued. It is a 16mo of 139 pages, with some 2,500 names, remarkable for its omissions, errors, and lack of even alphabetical order, yet of great value. The *Men and Memories of San Francisco in the Spring of 1850*, by T. A. Barry and B. A. Patten, S. F., 1873, 12mo, 296 pp., which has taken its chief cue from the above directory, wanders often widely from the period indicated on the title-page, yet offers many interesting data. I also refer to my record for the city in 1848, in the preceding vol., v. 676 et seq. The favorite landing-place for passengers of 1849 was the rocks at Clark Point, so called after Wm S. Clark, who still owns the warehouse here erected by him in 1847–8, at the N.E. corner of Battery and Broadway. At the foot of Broadway extended also the first wharf for vessels, a short structure, which by Oct. 1850 had been stretched a distance of 250 feet, by 40 in width. The name Commercial applied to it for a while soon yielded to Broadway. Here were the offices of the harbor-master, river and bar pilots, and Sacramento steamer, and for a time the brig *Treaty* lay at the pier as a storage ship, controlled by Whitman & Salmon, merchants. On the same wharf were the offices of Flint (Jas P. and Ed.), Peabody, & Co., Osgood & Eagleston, commission merchants; Geo. H. Peck, produce merchant; F. Vassault & Co. (W. F. Roelofson), Col Marsh, Col Ben. Poor, Jos. P. Blair, agent of the Aspinwall steamship line, J. Badkins, grocer, and the noted Steinberger's butcher-shop.

Near by, to the north, were three pile projections. First, Cunningham wharf, between Vallejo and Green sts, in Oct. 1850, 375 ft long, 33 ft wide, with a right-angle extension of 330 ft by 30, at a depth of 25 ft cost $75,000. Here lay for a time the storage ship *Resoluta*, in care of the pilot agent Nelson. For building grant of wharf to Jos. Cunningham, see *S. F. Minutes*, 1849, 197–8. At the foot of Green st and toward Union st were the extensions of B. R. Buckelew & Co., general merchants, and the Law or Green-st-wharf building in the autumn of 1850. Southward stretched the wharf extension of Pacific st, a solid structure 60 ft wide, of which in Oct. 1850 525 ft were completed, out of the proposed 800 ft, to cost $60,000. On its north side, beyond Battery st, lay the storage ship *Arkansas*. Near it was the butcher-shop of Tim Burnham, and the office of Hy. Wetherbee, merchant. Near the foot of Broadway st, appropriately so named from its extra width, were the offices of Wm E. Stoughtenburgh, auctioneer and com. mer.; Hutton & Miller (M. E.); Ellis (J. S., later sheriff S. F.) & Goin (T.); and L. T. Wilson, shipping; Hutton (J. F.) & Timmerman, com. mer.; D. Babcock, druggist; D. Chandler, market. On Battery st, named after the Fort Montgomery battery of 1846 which stood at the water edge north of Vallejo st, rose the Fremont hotel of John Sutch, near Vallejo, and the Bay hotel of Pet. Guevil. On either side of the street, between Vallejo and Broadway, were the offices of Ed. H. Castle, mer.; Gardiner, Howard, & Co., Hazen & Co., Jos. L. Howell, J. H. Morgan & Co. (A. E. Kitfield, John Lentell), L. R. Mills, J. H. Morton & Co., corner of Vallejo, the last three grocers; Nat. Miller is marked both as grocer and lumber dealer; Wm Suffern, saddler; south of Broadway were Brooks & Friel, tin-plate workers.

On Broadway, between Battery and Sansome sts, were the offices of C. A.

grating, in conjunction with the jail and court-rooms. The opposite block, stretching toward Montgomery

Bertrand, shipping; at the Battery corner, Wm Clark, mer.; John Elliott, com. mer.; Geo. Farris & Co. (S. C. Northrop and Edwin Thompson), gen. store. Half a dozen additional Point hostelries were here represented by the Illinois house of S. Anderson, at the Battery corner, Broadway house of Wm M. Bruner, the rival Broadway hotel of L. Dederer, Lovejoy's hotel of J. H. Brown, Lafayette hotel of L. Guiraud, and Albion house of Croxton & Ward, the latter four between Sansome and Montgomery sts, in which section were also the offices of White, Graves, & Buckley, and Aug. A. Watson & Co ; H. Marks & Bro., gen. store; Wm H. Towne, and Dederer & Valentine, grocers. West of Battery ran Sansome st, from Telegraph hill cliffs at Broadway to the cove at Jackson st, well lined with business places, and conspicuous for the number of corrugated iron buildings. At the west corner of Broadway rose the 3½-story wooden edifice of J. W. Bingham, O. Reynolds, and F. A. & W. A. Bartlett, com. mer. In the same block was the office of De Witt (Alf. & Harrison, (H. A.), one of the oldest firms, later Kittle & Co.; also Case, Heiser, & Co., and Mahoney, Ripley, & McCullough, on the N. W. Pacific-st corner, who dealt partly in ammunition. At the Pacific-st corner were also Wm H. Mosher & Co. (W. A. Bryant, W. F. Story, W. Adain), and E. S. Stone & Co., com. mers, and Hawley's store. In the same section were the offices of Muir (A.) & Greene (E.), brokers; Jos. W. Hartman and Jas Hogan, mers, are assigned to Telegraph hill. The well-known C. J. Collins had a hat-shop on this street, and José Suffren kept a grocery at the Broadway corner.

The section of Sansome st, between Pacific and Jackson sts, was even more closely occupied. At Gold st, a lane running westward along the cove, L. B. Hanks had established himself as a lumber dealer. Buildings had risen on piles beyond the lane, however, on the corners of Jackson st, occupied by Coghill (H. J.) & Arrington (W.), com. mer.; Bullet & Patrick (on the opposite side), Buzby & Bros, F. M. Warren & Co. (C. E. Chapin, S. W. Shelter), ship and com. mer.; Hotalling & Barnstead, Huerlin & Belcher, gen. dealers, and Ed. H. Parker. Northward in the section were Ellis (M.), Crosby (C. W.), & Co. (W. A. Beecher), Cross (Al.), Hobson (Jos.), & Co. (W. Hooper), Underwood (Thos), McKnight (W. S.), & Co. (C. W. Creely), Dana Bros (W. A. & H. T.), W. H. Davenport, Grayson & Guild, and J. B. Lippincott & Co., all com. mers; E. S. Lovel, mer.; Chard, Johnson (D. M.), & Co., gen. importers, at Gold st; Simmons, Lilly, & Co., clothing. J. W. & S. H. Dwinelle, counsellors, were in Cross & Hobson's building. On Pacific st, adjoining, was the office of Wm Burlin, mer., the grocery stores of T. W. Legget and Man. Sufiloni, the confectionery store of J. H. & T. M. Gale, and three hotels, Union, Marine, and du Commerce, kept by Geo. Brown, C. C. Stiles, and C. Renault, the last two between Sansome st and Ohio st, the latter a lane running parallel to the former, from Pacific to Broadway.

The business part of Montgomery st, named after the U. S. naval officer commanding at S. F. in 1846, extended southward from the cliffs at Broadway, and beyond it, on the slopes of Telegraph hill. There were several dwelling-houses, among them Capt. P. B. Hewlitt's, who received boarders; yet the hill was mostly abandoned to disreputable Sydney men, and westward to the now assimilating Spanish Americans. In the section between Broadway and Pacific sts, I find only the merchant F. Berton; Chipman, Brown, & Co. were grocers; Jas Harrison kept a gen. store at the corner, and Dr S. R. Gerry, the health officer of Dec. 1849, had an office here. In the next section, between Pacific and Jackson, Montgomery st assumed the general business stamp for which it was preëminent. Merchants, commission houses, and auctioneers were the chief occupants, the last being most conspicuous. At the Pacific corner were the merchants Harrison (Capt. C. H.), Balley, & Hooper, and A. Olphan; and at the Jackson end, J. C. & W. H. V. Cronise,

street and at the foot of Telegraph hill, was filled with shabby dens and public houses of the lowest order,

mers and aucs (with them as clerk, Titus Cronise, the later author), Hervey Sparks, banker and real estate dealer, and Dewey (Squire P.) & Smith (F. M.), real estate. Intermediate were J Behrens, Geo. Brown, Davis & Co. (J. W. & N. R. Davis), J H Levein, McKenzie, Thompson, & Co., H. H. Nelson, Thos Whaley, G. S. Wardle & Co., all com. mers; Simon Raphael, mer.; J. A. Norton, ship and com. mer., an English Jew whose subsequent business reverses affected his mind and converted him into one of the most noted characters of S. F. under the title of Emperor Norton of Mexico. Until his death, in 1880, he could be seen daily in the business centres, dressed in a shabby military uniform, and attending to financial and political measures for his empire. Here were also the clothing stores of Raphael (J. G.), Falk, & Co., J. Simons, Louis Simons, and Dan. Toy.

The Jackson-st corner bordered on the neck of the lagoon, which penetrated in a pear form on either side of this street more than half-way up to Kearny st. It was one of the first spots to which the fillage system was applied, and the bridge by which Montgomery st crossed its neck since 1844 had by 1849 been displaced by a solid levee. Jackson st began its march into the cove, and in Oct. 2, 1850, the private company controlling the work were fast advancing the piling beyond Battery to Front st, being 552 feet out, where the depth was 13 ft. The estimated cost was $40,000. Its section between Montgomery and Sansome was heavily occupied by firms: N. Larco & Co. (Labrosa, Roding, Bendixson), Louis Cohen, Quevedo, Lafour, & Co., Reihling, Edleysen, & Co., O. P. Sutton, mers; Bech, Elam, & Co. (W. G. Eason, J. Galloway), J. C. Catton, Huttmann (F.), Eiller, & Co., Wm Ladd, J. F. Stuart & Co. (J. Raynes), com. mers; Christal, Corman, & Co., Lord & Washburn, wholesale and gen. mers; Beideman (J. C.) & Co. (S. Fleischhaker), Ollendorff, Wolf, & Co. (C. Friedenberg), B. Pinner & Bro., Potsdamer & Rosenbaum (J. & A.), Sam. Thompson, R. Wyman & Co. (T. S. Wyman), clothing; Adam Grant, S. L. Jacobs, Titman Bros, C. Jansen & Co., dry goods—the last named victims of the outrage which led to the vigilance uprising of 1851—Hall & Martin, aucs; Roth & Potter, stoves and tinwork; White & McNulty, grocers; Paul Adams, fruit; Dickson & Hay, land-office; C. C. Richmond & Co., druggists, in a store brought out by the *Eudorus*, Sept. 1849. Here were also two hotels, the Commercial and the Dalton house, kept by J. Ford & Co. and Smith & Hasty, and the fonda Mejicana of E. Pascual dispensed the fiery dishes dear to Mexican palates. Sansome st extended from here on piles southward, and in the section between Jackson and Washington sts, on the east side, was the office of W. T. Coleman & Co., com. mers, whose chief was prominently connected with the vigilance committee of 1851, and the famed president of the 1856 body. Near by were Jas H. Ray, Turner, Fish, & Co., Goodall (T. H.), Muzzy, & Co., Paul White & Co. (J. Watson), also com. mers; John Cowell, mer. at the Jackson corner; Belknap, White, & Co., provisions. Rogers, Richeson, & Co. (M. Jordan) had a coal-yard, and at Jones' alley lay a lumber-yard belonging to Palmer, Cook, & Co.

Continuing along Jackson st, from Sansome to Battery st, we find the offices of Myrick, Crosett, & Co., gen. jobbers; Howe & Hunter, Jacoby, Herman, & Co., Savoni, Archer, & Co., N. H. Sanborn, Murry & Sanger, Vose, Wood, & Co., com. mers. Wm Crosett, com. mer.; C. E. Hunter & Co., F. Coleman Sanford, gen. mers; F. M. Warren & Co., White (W. H.) & Williams (J. T.), ship. and com. mers; the latter nearer Sansome st. Along the water-front W. Meyer kept a coffee-house. The latter part of this section was a wharf, and the narrow approach to the office of Dupuy, Foulkes, & Co., com. mer., at the Battery corner, revealed the splashing water on either side. Beyond them were the offices of E. L. Plumb, mer.; Gassett & Sanborn (T. S.), E. S. Woodford & Co. (J. B. Bridgeman), ship. and com. mers; O.

frequented by sinister-looking men and brazen-faced females, who day or night were always ready either

Charlick, agent for Law's line of steamers; Gregory's (J. W.) express; Schultz & Palmer, grocers. South of Jackson and west of Battery st lay the storage vessel *Georgean*, though some identify her with the prison brig *Euphemia.* On Montgomery st, between Jackson and Washington sts, were at least four of the characteristic auction-houses, Moore (G. H.), Folger (F. B.), & Hill (H.), Jas B. Huie, Scooffy & Kelsey, and W. H. Jones. At the Jackson-st corner were Haight (E.) & Ames (O. T.), com. mers, and Pratt (J.) & Cole (Cornel) (later U. S. senator), attorneys; while at the Washington-st end rose the Merchants' Exchange Reading Room of L. W. Sloat—son of the commodore—S. Gower is also named as proprietor—and at the N. W. corner the offices of C. L. Ross. com. mer., who during the early part of 1849 acted as postmaster (in 1848 he had a lumber-yard). H. B. Sherman, and P. A. Morse, counsellor. Among the occupants of the Exchange building were Dickson (D.), De Wolf & Co., and J. S. Hager, counsellor, later U. S. senator; and in the Exchange court were E. D. Heatley & Co., com. mers; with S. Price, consul for Chile, as partner. In this section are mentioned among the merchants, Rob. Hamilton, Worster & Cushing (G. A.), W. Hart, Stowell, Williams (H.), & Co., H. Schroeder, Van der Meden, & Co., Bennett & Hallock (J. Y.), L. L. Blood & Co. (J. H. Adams, G. B. Hunt), Worthington, Beale, & Bunting, Jos. Bidleman, Ed. Gilson, Guyol, Galbraith, & Co., Mazera N. Medina, com. mers. Wykoff & Co. (G.), were wholesale dealers; Jas Dows & Co., wholesale liquor men (T. G. Phelps, their clerk, was later congressman and collector of S. F.); S. & B. Harries, S. Fleischhacker, Pugh, Jacob, & Co., clothing; McIntosh (R.) & Co., provisions; John Rainey, gen. dealer; Sabatie (A.) & Roussel, grocers; Conroy & O'Conner, hardware; Bradley, photographer; H. F. Williams, carpenter and builder, on E. side. C. Webster kept the Star house. At the foot of Washington st, which touched the cove a few feet below Montgomery st, were Franklin, Selim, & Co., gen. mers; Hosmer & Bros, A. P. Kinnan, and Maynard & Co., grocers; Leonard & Tay, produce mers, Chapin & Sawyer, com. mers, Camilo Martin, and J. F. Lohse, mers. The private wharf prolongation of this street extended 275 feet by Oct. 1850.

Between Washington and Clay, Montgomery st was marked by additions in the banking line, notably Burgoyne & Co. (J. V. Plume), at the s.w. corner of Washington st, Ludlow (S.), Beebe, & Co., and H. M. Naglee & Co., corner of Merchant st, and by a literary atmosphere imparted by the *San Francisco Herald*, of Nugent & Co., the *Journal of Commerce*, of W. Bartlett (mayor S. F. and gov. Cal.), associated with Robb, and *The Watchman*, a religious monthly by A. Williams, at the same office. Marvin & Hitchcock's book-store was in the *Herald* building, the Delmonico's hotel, by Delmonico & Treadwell, at the Irving house, on the E. side, while the drug-store of Harris & Parton was at the Wash.-st corner. At these corners were the offices of Finley, Johnson (C. H.), & Co., (J. W. Austin), Grogan & Lent (W. M.), both com. mers, and Horace Hawes, counsellor (and first sheriff of the county); at the corner of Merchant st, Barron & Co., com. mer., held out, and on its s.w. corner a three-story brick building was begun in Oct. 1849, on the site of Capt. Hinckley's adobe house. The Clay-st corners were occupied by Cordes, Steffens, & Co., Josiah Belden, com. mers; Bacon & Mahony, and R. J. Stevens & Co. (G. T. H. Cole), both ship and com. mers. In the same section were Earl, Mackintosh, & Co., Hayden, & Mudge, Cost & Verplanck, the latter two in the *Herald* building, Vogan, Lyon, & Co., Manrow & Co. (W. N. Meeks), all com. mers; Oct. Hoogs, J. C. Treadwell, mers; Kendig, Wainright, & Co., auc. and com. mer. in a long one-story wooden house; J. A. Kyte, ship and com. mer.; Corvin & Markley, clothing and shoes; Marriott, real estate; F. G. & J. C. Ward, gen. dealers. In the same or adjoining section, if we may trust the confused numbering of those days, may

for low revelry or black crime. The signs above the drinking-houses bore names which, like Tam O'Shan-

be placed Beech & Forrey, Vandervoort & Co., Rob. Fash, L. Haskell, H. Hughes, jr, E. T. Martin, Porter & Co., Sage & Smith (Stewart), all com. mers; Annan, Lord, & Co., gen. jobbing; Reed & Carter, ship mers; Jos. Chapman and Joel Holkins & Co., mers; Fitch (H. S.) & Co. (I. McK. Lemon), auc. and com. mers; Frisbie & Co., mer. broker; A. B. Southworth, metal dealer; Ed. S. Spear, broker; D. S. Morrill, Boston notions; Johnson & McCarty, provisions; Crittenden (A. P.) & Randolph, and S. Heydenfelt, attorneys; and the Pacific bath-house.

Turning down Clay st toward the water, we find in 1849 the beginning of a wharf, just below Montgomery st, which by Oct. 1850 extended 900 ft by 40 ft in width, and would before the end of that year be carried 900 ft farther, at a total cost of $39,000. In its rear, at the N. W. Sansome-st corner had been left stranded the old whaler *Niantic*, converted into a warehouse with offices, by Godeffroy, Sillem, & Co. At the corresponding Battery corner lay the storage ship *Gen. Harrison.* Along this wharf street were established Ira A. Eaton, B. H. Randolph, Hochkofler & Tenequel, J. G. Pierce, F. Vassault, mers; J. J. Chauviteau & Co., gen. bankers and com. mers; J. B. Corrigan, Green (H.) & Morgan (N. D.), Ogden & Haynes, Z. Holt, E. Mickle & Co. (W. H. Tillinghast, later banker), H. C. Beals, J. H. Chichester, Wm H. Coit, Geo. Sexsmith, Simmons, Hutchinson, & Co. (Simmons died Sept. 1850, see biog. preceding vol. v.), com. mers; Woodworth (S. & F.) & Morris, ship and com. mers (Selim E. Woodworth, the second vigilance president of 1851, leader of the immigrant relief party of 1848, and later U. S. commodore); Moorehead, Whitehead, & Waddington, Valparaiso flour mers; here was also the office of the Sacramento steamers; T. Breeze (later Breeze & Loughran). Many of the stores were of zinc. Buckley & Morse, shipsmiths, Schloss Bros, wholesale dealers; Jas Patrick, Jas B. Weir, provisions; Dunbar (F.) & Gibbs, grocers, on Sansome st. The southern half of the Wash.-Clay block on the corner was owned by R. M. Sherman, for a time, in 1848–9, of the firm Sherman & Ruckle, and he still owns the property.

Returning to Montgomery st toward Sacramento st, we find at the S. W. Clay-st corner the first brick house of the city, erected by Mellus & Howard in 1848. This appears to be the so-called fire-proof Wells building, occupied partly by Wells (T. G.) & Co., bankers. At the Clay-st corners were also Fay, Pierce, & Willis, O. C. Osborne, sr and jr, com. mers; M. F. Klaucke, gen. mer.; Delos Lake, counsellor, and Cooke & Lecount, stationers. At the corner of Commercial st, James King of William, the assassinated editor of 1856, had a banking-house; here were also N. Bargber & Co., mers; Jas Murry, ship mer.; and on the S. E. corner stood the noted *Tontine* gambling-house, managed by W. Shear, and also by Austin & Button (Austin was later tax collector of the city). A two-story-and-a-half house on the opposite corner, with projecting eaves, once belonging to the Hudson's Bay Co., had also a gambling-saloon much frequented by Mexicans. In this circle figured the Eureka hotel of J. H. Davis & Co. At the Sacramento st end were J. R. Rollinson, ship & com. mer.; H. E. Davison, gen. merchandise, and Taaffe (W.), Murphy (D.), & McCahill (G.), dry goods, etc. Intermediate were the offices of Moore (R.) & Andrews (Steb.), the long-established Howard & Green (T. H., the former being before of the firm Mellus & Howard), Capt. Aaron Sargent, Gildemeister & De Fremery (J.), all com. mers; Grayson & Guild also had their office here; A Hausman, Goldstein, & Co. clothing; J. W. Osborn, chinaware; Rob. Sherwood, watchmaker, later capitalist. Crane & Rice, proprietors *Cal. Courier*.

Commercial street received a great impulse from the projection in May 1849 of the Central or Long wharf, by a company which embraced such prominent citizens as Howard, W. H. Davis, S. Brannan, Ward, Price, Folsom, Shillaber, Cross, Hobson & Co., De Witt & Harrison, Finley, Johnson, & Co., etc.,

ter, Magpie, and Boar's Head, smacked of English sea-port resorts, and within them Australian slang

who subscribed $120,000 at once. By Dec., 800 ft were finished at a cost of $110,000. In June 1850 the great fire destroyed a portion, but work was resumed and by Oct. it was 2,000 ft out, so that the mail steamers could approach; repairs and extension cost $71,000. This drew trade rapidly from other quarters and led to wharf extension in different directions. Capt. Gillespie was wharfinger. Leidesdorff, so named after the U. S. vice-consul, whose warehouse stood at its junction with California st, was originally a beach levee. The office of the Pacific Mail Steamship Co., at the s. E. corner of Com. and Leidesdorff sts, was at first a two-story house, 20 ft square. After the fire of June 1850 it was moved to the Sacramento corner of Leidesdorff. Here was also the Kremlin restaurant and saloon of Nash, Patten, & Thayer, with lodgings above. On the N. E. corner stood Hall & Ryckman's (the latter 3d president of the vigilance committee of 1851) New World building. At the head of the wharf was a brick building bearing the conspicuous sign of Dan. Gibb, com. mer.; his neighbors were R. B. Wilkins, Jas H. Goodman, Theo. Norris, Huffman & Brien, com. mers; Endicott, Greene, & Oakes, mers; Smith & Block, grocers and com. mers; Wm Thompson, jr, com. and ship broker, occupied the Commercial building. Ellis & Goin, of Clark Point, had an office here for a time. Along the wharf were G. B. Bradford, Huffman & Brien, Ottinger & Brown, Gosse & Espie, Hamilton & Luyster, Hewes & Cutter, com. mers; Quimby, Harmon, & Co., shoes; Bonvalot, Roux, & Co., variety store; Ferguson, Reynolds, & Co., Smith & Gavin, grocers; Hoff & Ambrose, at the Battery corner; the *Prices Current* office.

Before the Commercial-st wharf and its rivals attracted traffic, Sacramento st stood prominent as a reception place for merchandise. It had now to join in the race toward deep water; to which end Henry Howison prolonged the southern side of the street till it reached, in Oct. 1850, a length of 1,100 ft, with a width of 40 and a depth of 14 ft at high water. Stevenson & Parker extended the street proper to Davis st, a distance of 800 feet, by Oct. 1850, and erected near the end a commodious building. At the end of Howison's pier were the storage brigs *Piedmont* and *Casilda*, belonging to Mohler, Cadue, & Co. Cadue, later ice-dealer, assisted in building the pier. The *Thomas Bennett*, brought out by a Baltimore firm, and controlled by Trowbridge, Morrison, & Co., lay at the Sansome-st corner for storage. None of these appear to have remained, according to the map of 1851, but the *Apollo*, at the N. W. Battery-st corner, controlled by Beach & Lockhart, did become a fixture. On the s. w. corner of Leidesdorff st stood prominent the office of Dall (Jos. & John) & Austin, till the fire of June 1850 drove them to the Sansome-st corner. On the other side, above Leidesdorff st, rose the three-story wooden building of J. L. Riddle & Co., auctioneers, wherein acquaintances could always receive shelter. Near them were Lovering & Gay, S. F. Wisner, Boardman, Bacon, & Co., Butler & Bartlett, Hawley (F. P. & D. N.), Sterling & Co. (G. W. Wheeler), com. mers; Totten & Eddy, gen. jobbers; R. F. Perkins, mer.; R. D. Hart & Co., dry goods; Tower, Wood, & Co., gen. store; D. C. McGlynn, paints; Kennebec house, kept by T. M. Rollins. Along the wharf itself were Locke & Morrison, com. mers, and Beck & Palmer, ship and com. mers, at the head; followed by Robinson, Bissell, & Co. (M. Gilmore), Bluxome & Co. (J D. C., Isaac, jr, and Joseph, Isaac being the famous vigilance secretary in 1851 and 1856), Caughey & Bromley, Everett & Co. (Theo. Shillaber), Gardner Furniss, Jas C. Hasson, Hunter & Bro., Dungan, Moore, & Prendergast, Orrego Bros, Rob. Wells & Co., Hussey, Bond, & Hale, com. mers; Jos. S. Spinney, shipping; Plummer & Brewster, wholesale mers; B. Triest, store; W. C. Hoff, grocer, at end of pier. On Battery st were Collins (D.), Cushman, & Co., mers.

The section of Montgomery st between Sacramento and California had, in 1849, been transformed from an outskirt to a thickly settled business quarter,

floated freely upon the infected atmosphere. It was in fact the headquarters of the British convict class,

and its prospects were significantly foreshadowed in the location of the custom-house in the four-story brick building erected in 1849 by W. H. Davis, at the N. W. corner of California st. Access was by outside double stairways, leading from balcony to balcony on the front side. It appears to have been occupied by Collector Jas Collier in June 1850. In May 1851 it was burned. View in *S. F. Annals*, 282. At the California-st corner were also A. Swain, com. mer., and Runkel, Kaufman, & Co., dry goods. Northward in the section were situated the offices of J. B. Cannon & Co. (S. J. Gowan), W. G. Kettelle, aucs and com. mers; Hinrickson, Reinecke, & Co. (C. F. Cipnani, S. V. Meyers), Edwin Herrick, S. Moss, jr, Hy. Reed & Co., Winston & Simmons (S. C.), S. A. & J. G. Thayer, Wm H. Davis, com. mers, the last long established; M. L. Cavert, J. A. Clark, P. F. Hazard, John H. Titcomb, Titts & Tilden, P. D. Woodruff, mers; S. Brannan, real estate broker; John S. Eagan, paints, two doors above the custom-house; S. Neagebauer, stationery; John Curry, counsellor (later chief justice). A notable feature of the section was the presence of several express agents, Adams & Co., soon to become a banking-house, Haven (J. P.) & Co., Hawley & Co., Todd & Co. Here was also the office of the *Cal. Courier*, and Rowe's Olympic Circus formed a strong attraction to this quarter. It had been opened Oct. 29, 1849, with Ethiopian serenaders, as the first public dramatic spectacle of the city.

Between California and Clay sts I find a number of firms, whose offices are numbered from 243 to 269, as Aspinwall (J. & Ph.) & Bro., A. B. Cheshire, Jas Clark, Van Drumme & Clement, Mace & Cole, B. H. Howell, J. S. Mason, E. R. Myers, Turnbull & Walton, Cook, Wilmerding, & Tracy, Winter & Latimer, com. mers; Wm Meyer & Co. (Kunhardt, H. R.,), importers, Capt. Thos Smith, Fred. Thibault, F. C. Bennett, Gus. Beck, O. P. Sutton, mers; John Aldersley & Co., ship brokers; Hedley & Cozzens, wholesale grocers; Middleton (S. P.) & Hood (J. M.), Payne (T.) & Sherwood (W. J.), aucs; Hy. Meiggs, of North Beach and Peruvian fame, lumber dealer; Austin (H.) & Prag, tinware; F D. Blythe, hardware.

California st was in 1850 acquiring recognition as of business importance, and Starkey, Janion, & Co., who had long been established near the S. W. corner of Sansome, in an enclosed two-story house, gave strength to it by then erecting a fine brick warehouse. So did Cooke (J. J. & G. L.), Baker (R. S.), & Co., and others speedily followed the example, assisting, moreover, to advance the water frontage, which by Oct. 1850 extended 400 ft into the cove, with a breadth of 32 ft. There was a small landing-pier at Leidesdorff's warehouse, at the Leidesdorff-st corner. Here was the store of S. H. Williams & Co. (Wm Baker, jr, and J. B. Post), in a one-story frame house, bordering on the later Bank of California site. On the opposite south side, Dr John Townsend, the large lot-owner and former alcalde, had his office and residence West of him were the stores of Glen & Co. (T. Glen, Ed. Stetson), De Boom, Vigneaux, & Griser, Backus & Harrison, com. mers, and farther along in the section, Jas Ball, Mack & Co., A. McQuadale, Probst (F.), Smith (St. A.), & Co , J. B. Wynn, Zehricke & Co., Alsop & Co., Helmann Bros & Co., Hastler, Baine, & Co., also com. mers; T. W. Dufau, importer; Gladwin (W. H.) & Whitmore (H M., a large lot-owner in S. F.), jobbing. At the corner of Sansome st were Ebbets & Co. (D.W. C. Brown), Mumford, Mason (B. A.), & Co , Wm J. Whitney, com. mers; and on the site of the present Merchants' Exchange stood Mrs Petit's boarding-house (subsequently on California st, N side, below Stockton). An agency for outer bar pilots was at Burnside & Nelson's.

At the S. W. corner of California and Montgomery sts stood Leidesdorff's cottage, occupied by W. M D. Howard, and also at the corner were the offices of Jas Anderson & Co , brokers, J. H. Eccleston, mer.; V. Simons, clothing; and T. J. Paulterer, auc. At the Pine-st corner Lazard Frères had a dry-

whose settlement, known as Sydney Town, extended hence north-eastward round the hill. It was the ral-

goods store, and intermediate on Montgomery st were Crocker, Baker, & Co., water-works; Fry (C.) & Cessin (F.), Evans & Robinson, Kuhtmann & Co., com. mers. The first house on Summer st was a 1½-story cottage, 20 by 40 ft, erected by Williams for Edm. Scott. Near by were the coal-yard of A. T. Ladd, and two hotels, the Montgomery and Cape Cod houses, the latter under the management of Crocker, Evans, & Taylor.

In the next section of Montgomery st, between Pine and Bush sts, stood Lütgen's hotel, facing the later Russ House. A strong two-story frame building with peaked roof and projecting second story, it presented a quaint old-fashioned landmark for about a quarter of a century, and formed one of the best-known German resorts. On the S. E. corner of Pine st figured a corrugated iron house imported by Berenhart, Jacoby, & Co., and on the S. W. corner a one-and-a-half-story cottage, occupied by the German grocery of Geo. Soho. Adjoining it rose a three-story pitched-roof wooden hotel, the American, kept by a German, and opposite, on the site of the later Platt's hall, Dr Enscoe had a wooden house. At the N. W. corner of Bush st O. Kloppenburg (later city treasurer), kept a grocery. This west side of the block was owned by J. C. C. & A. G. Russ, the jewellers, who had a house on Bush st, and who later erected the well-known Russ house. The clothing-store of Peyser Bros was here, also the syrup factory of Beaudry & Co., and the confectionery store of H. W. Lovegrove. At the Bush-st corner was the office of Haas & Struver, com. mers, and beyond, toward Sutter st, that of Pierre Felt, wine mer. This region was as yet an outskirt; sidewalks extended but slowly beyond California st after the summer of 1850, and the pedestrian found it hard work to go through the sand drifts to the many tents scattered around.

Sansome st, as bordering the bay, had rather the advantage of Montgomery st, for here business houses stretched along in considerable numbers from California to Bush st. Neighbors of Starkey, Janion, & Co., on the California corner, were Wilson (J. D.) & Jarvis, wholesale grocers; and at the junction of Pine st were the offices of Macondray (F. W.) & Co. (R. S. Watson), in a two-story house; M. Rudsdale, E. S. Stone & Co. (F. T. Durand), com. mers. One of the corners was held by the Merrimac house of Williams & Johnson, northward rose the New England house of W. B. Wilton, and toward Bush the New Bedford house of John Britnell. Near it was the office of Town & Van Winkle, and the lemonade factory of Al. Wilkie. On the east side, between California and Pine sts, the India stores of Gillespie (C. V.) & Co. extended over the cove. In the same section, mostly on the west side, were located Dewey (S. S.) & Heiser, C. M. Seaver, E. Woodruff & Co., mers; G. W. Burnham, lumber dealer; Davis (W. H.) & Caldwell's (J., jr) lemonade factory; E. S. Holden & Co. (J. H. Redington). druggists; S. W. Jones & Co., coal and wood yard.

On Pine st were several offices, of T. F. Gould, Chas Warner, mers, above Sansome; Schule, Christianson, & Hellen, importers; W. H. Culver, ship mer.; Robinson, Arnold, & Sewall, J. C. Woods & Co., com. mers. This street adjoined the wharf begun by the city corporation at the end of Market st, in the autumn of 1850, and limited for the time to 600 ft. This opened another prospect for development in this quarter.

Beyond Pine st huge sand ridges formed so far a barrier to traffic; yet in between them, and upon the slopes, were sprinkled cottages, shanties, and tents, with occasionally a deck house or galley taken from some vessel, occupied by a motley class. A path skirted the ridge along the cove, at the junction of Bush and Battery sts, and entered by First st into Happy Valley, which centred between First and Second, Mission and Natoma sts, and into Pleasant Valley, which occupied the Howard-st end. This region, sheltered by the ridges to the rear, which, on the site of the present Palace hotel, rose

lying-point for pillaging raids, and to it was lured many an unwary stranger, to be dazed with a sand-bag

nearly three score feet in height, had attracted a large number of inhabitants, especially dwellers in frail tents, but with a fair proportion of neat cottages, as well as shops and lodging-houses, among these the Isthmus. The advantages of this quarter for factories were growing in appreciation, especially for enterprises connected with the repair of vessels, and soon J. & P. Donohue were to found here their iron-works. On Fremont st, between Howard and Folsom sts, was the office of H. Taylor & Co., com. and storage; and on the corner of Mission and First sts, that of Phil. McGovern. On Second, near Mission st, rose the Empire brewery of W. Ball, the first of its kind. The richer residents of this region had withdrawn just beyond this line, and on Mission, between Second and Third sts, dwellings had been erected by Howard, Mellus (whose name was first applied to Natoma st), and Brannan, whose names were preserved in adjoining streets. These, as well as a few more near by, owned by Folsom, were cottages imported by the *Onward.* Among the occupants were the wives of Van Winkle, Cary, and Wakeman, attached to the office of Capt. Folsom, the quartermaster. On Market st Father Maginnis' church was soon to mark an epoch, and south-eastward an attenuated string of habitations reached as far as Rincon Point, where Dr J. H. Gihon had, in Nov 1849, erected a rubber tent, on the later U. S. marine hospital site.

Thus far I have enumerated the notable occupants of the heavy business section along Montgomery st and water-front east of it, and will now follow the parallel streets running north to south, Kearny, Dupont, Stockton, and Powell, after which come the latitudinal cross-streets from the Presidio and North Beach region toward the Mission.

At the foot of Telegraph hill on Kearny st, from Broadway to Jackson st, began the west and northward spreading Mexican quarter, and the only building here of general interest was the Adams house, kept by John Adams. At the S.E. Pacific-st corner stood the four-story balcony building lately purchased for a city hall, with jail, court-rooms, etc. In one of the latter Rev. A. Williams held services for the First Presbyterian church. On the opposite corner were the Tattersall livery-stable, and the firms of Climax, Roy, & Brennen, and Dunne, McDonald, & Co., com. mers and real estate. Along toward Jackson st were the offices of Markwald, Caspary, & Co., mers; of Dow (J. G.) & Co. (J. O. Eldridge), auc. and com. mers; S. McD Thompson, gen. store; Mebius, Duisenberry, & Co., fancy goods; the *Pacific News* daily was issued here by Winchester & Allen. Mrs E. Gordon kept the Mansion house. In the section between Jackson and Washington sts business approached more and more the retail element for which Kearny has ever been noted. At the Jackson-st corners two druggists faced each other, S. Adams and E. P. Sanford; Reynolds & Co. were grocers, and G. & W. Snook, tin and stove dealers. There were, however, a jobbing-house, Cooper & Co, and three auctioneers, Shankland & Gibson, Allen Pearce, and Sampson & Co H. H. Haight, counsellor and later governor, had his office at the Jackson-st corner; the Mariposa house was kept by B. Vallefon; and the well-known English ale-house, the Boomerang, by Langley & Griffiths, was widely patronized by literary men and actors.

These last two features formed the main element of the next section, the plaza of Portsmouth square, strongly reënforced by gambling-halls. The most noted of these establishments, the El Dorado, controlled in 1850 by Chambers & Co., stood at the S. E. corner of Washington st. Successive fires changed it from a canvas structure to a frame building, and finally P. Sherrebeck, who owned the lot, erected upon it the Our House refectory. Adjoining it on the south was the famous Parker house, hostelry and gambling-place, managed in 1850 by Thos Maguire & Co., who here soon promoted the erection of the Jenny Lind theatre upon the site, which again yielded to the city

blow, and robbed, perhaps to be hurled from some Tarpeian projection into the bay. West of this quar-

hall, as described elsewhere. Its former neighbor, Denison's Exchange, for liquors and cards, had been absorbed by other enterprises, and southward along the row in 1850 figured the Empire house of Dodge & Bucklin, and the Crescent City house of Winley & Lear, the firm of Thurston & Reed, and the dry-goods establishment of B. F. Davega & Co. Opposite, on the s. w. corner of Clay, stood that Yerba Buena landmark, the story-and-a-half tiled adobe City hotel, devoted, with out-buildings, to travellers, gamblers, and offices, the latter including for a time those of the alcaldes. Higher on Clay st rose the well-known Ward or Bryant house, and intermediate the offices of F. Argenti & Co. (T. Allen), bankers; Peter Dean, Berford & Co.'s express, and Baldwin & Co., jewellers. Another jewelry firm, Loring & Hogg, occupied Ward's court.

Along the west side of the plaza stood the public school-house, which had been converted into concert hall and police-station, and the adobe custom-house bordering on Washington st, which had been used for municipal offices for a time. Down along Washington st the *Alta California* publishing office of E. Gilbert & Co. faced the plaza, and eastward to the corner were the banking-house of Palmer, Cook, & Co. and the offices of Glaysen & Co. (W. Tinteman), and Stevenson (J. D.) & Parker (W. C.), land agents. Theirs was an adobe building in 1850, replacing the Colonnade hotel of 1848, and soon to yield to other occupants, notably the Bella Union. Wright & Co.'s Miners' bank, which stood at this corner a while, may be said to have revived in the Veranda on the N. E. corner. On the plaza was also Laffan's building, chiefly with lawyers' offices, as Wilson, Benham, & Rice, Nath. Holland, Ogden Hoffman, jr, Norton, Satterlee, & Norton. Along Kearny st, toward Sacramento st, were the offices of Thurston & Reed, P. D. Van Blarcom, com. mers; Ansalin, Merandol, & Co., importers, on the Sacramento corner; C. Lux, stock dealer; Newfield, Walter, & Co., Treadwell & Co., S. Howard, clothing, etc.; the Commercial-st corners were occupied by Van Houten & Co.'s meat market; here the Tammany Hall of the Hounds, and Rowe's circus had stood a while, facing the adobe dwelling of Vioget, the surveyor, in which, or adjoining, Madam Rosalie kept a restaurant. Opposite were the noted New York bakery of Swan & Thompson, and San José hotel of T. N. Starr (or J. G. Shepard & Co.).

In the next section toward California st were established Adelsdorfer & Schwarz, McDonald (W. F. & S. G.) & Co. (J. K. Bailey, A. T. Cool, J. M. Teller), Kroning, Plump, & Runge, com. mers, the latter at the California corner; A. H. Sibley & Co.; at the Sacramento corner were also B. Courtois' dry-goods store; Mrs C. Bouch, crockery; Merchants' hotel. Between California and Pine sts appears to have been another New York bakery, by R. W. Acker, and near the present California market was the Kearny-st market by Blattner & Smith. Here were also three groceries of Atter & Carter, Lammer & Waterman, and Potter and Lawton; Geo. A. Worn, Ed. Porter, Eug. Bottcher, and C. F. Duncker are marked as com. mers, the latter two at the California corner, and Porter south of Pine st. Beyond Pine were Chipman, Brown, & Co., grocers, Hy. Rapp, storage, Brown's (Phil.) hotel, and the Masonic hall, followed by scattered dwellings along the new plank road to the mission. Dupont st partook of the Kearny-st elements of business, though little contaminated by gambling. The northern part was assigned to residences, among them the dwellings of W. S. Clark, the broker, and Rev. A. Williams, between Vallejo and Pacific sts. At the latter corner Morgan & Batters kept a grocery, and beyond rose the Globe hotel of Mrs B. V. Koch, the dry-goods shop of Cohen, Kaufmann, & Co., and the office of C. Koch, mer. At the Jackson-st corners of Dupont st stood the Albion house of B. Keesing, and Harm's (H.) hotel; and here, at the N. E. corner, a three-story building was contracted for in Sept. 1849 by the California guard, the first military company of the city, for $21,000. At the Washington-st cor-

ter, up Vallejo and Broadway streets, with the Catholic church and bull-ring, and northward along the hill,

ner was another hotel, the Excellent house of Jas Dyson, also the dry-goods shop of Hess & Bros, the office of Maume & Dee, and the residence of G. Beck. Intermediate were Mich. Casaforth, mer., and Johnson & Co., druggists.

In the section south of Washington st stood on the east side the houses of Gillespie and Noe; at the north-west corner of Clay the casa grande of Richardson, on the site of his tent, the first habitation in Yerba Buena, and which stood till 1852. On the opposite west corner, the site of the first house in Yerba Buena, Leese's, rose the St Francis hotel, a three-story edifice formed of several superimposed imported cottages managed by W. H. Parker.

On the opposite corner Moffat & Co., assayers and bankers, and Sill & Conner's stationery and book shop, the first regular stationery store in the city, it is claimed. Northward, Mullot & Co., com. mers. and Jos. Smith's provision shop.

On the Sacramento-st corner Nath. Gray had an undertaker's shop; and at the California end Jas Dows, of vigilance fame, had a liquor store. Beyond him C. L. Taylor exhibited the sign of a lumber and com. mer. Stockton st was essentially for residences, with many neat houses from Clay st northward. At Green st stood a two-story dwelling from Boston, occupied by F. Ward, and removed only in 1865; opposite was the lumber-yard of A. W. Renshaw, and a little northward Hy. Pierce's Eagle bakery; at the Vallejo corner P. F. Sanderwasser kept a grocery; southward rose the American hotel, which was for a time the city hall, the residences of Gildermeister and De Fremery, and south of Broadway, Merrill's house. At the N. E. Pacific corner was the Shades tavern of 1848, and southward the grocery of Eddy (J. C.) & Co. At the Washington-st corners were the houses of W. D. M. Howard, and Palmer, of Beck & Palmer; and at the Sacramento end, those of Jas Bowles, Jonat Cade, and Crumme, mers. Powell st, of the same stamp as the preceding, was graced by the presence of three churches: Trinity, Rev. F. S. Mines; Methodist Episcopal, Rev. W. Taylor; and Grace Chapel, Rev. S. L. Ver Mehr. The latter two resided on Jackson st near Powell. Rev. O. C. Wheeler lived at the corner of Union. Three other temples existed on adjoining cross-streets. At the N. W. Washington corner a two-story brick building was about to be erected, which with subsequent changes in grades received two additional stories. At the N. E. corner of Broadway O. Mowry had an adobe cottage; at the corners of Green st lived C. Hoback and Chas Joseph.

At the corner of Filbert st was the adobe dwelling of Ira Briones, by which the main path to the presidio turned westward to cross the Russian hill, past market gardens and dairies, with scattered cottages, sheds, and butchers' shambles. On the ridge stood the house of L. Haskell, overlooking the hollow intervening toward Black Point, beyond which lay Washerwoman's lagoon, a name confirmed to it by the laundry here established by A. T. Easton, patronized by the Pacific mail line. The presidio was then not the trim expanse of buildings now to be seen, but stood represented by some dingy-looking adobes, supplemented by barn-like barracks, and a few neater cottages for the officers, while beyond, at the present Fort Point, crumbling walls fronted the scanty earth-works with their rusty, blustering guns.

North Beach was becoming known as a lumber depository. Geo. H. Ensign figured as dealer in this commodity, and near him, on Mason by Francisco st, Harry Meiggs, of dawning aldermanic fame, had availed himself of the brook fed by two springs to erect a saw-mill. Close by stood Capt. Welsh's hide-house, by the road leading to the incipient wharf which foreshadowed a speedy and more imposing structure.

On Union st, near Mason, Wm Sharron, broker and commission merchant, had his residence. On Green st the number of resident business men in-

the Hispano-Americans were grouping round what was then termed Little Chile; while less concentrated, the

creased. A. Hugues and Rob. McClenachan lived near Stockton and Taylor, respectively, and Levi Stowell, of Williams & Co., near the former. Between Stockton and Powell Capt. Tibbey, as he declares in his *Stat.*, MS., 19, had erected a section-made house from Hawaii for his wife. A similar house from Boston, near Stockton st, was in 1850 occupied by F. Ward. It stood till 1865. On Vallejo were to be found G. Bilton, Rob. Graham, Edm. Hodson, and Thos Smith, merchants, between Stockton and Powell. In the block below rose the Roman Catholic church, and by its side extended the bull-fighting arena, so dear to the Mexicans as a compensatory aftermath to the solemn restraint of the worship. All around and along the slopes of Telegraph hill extended the dwellings of this nationality, and among them, on Broadway between Stockton and Dupont, the more imposing quarter of Jos. Sanchez, broker. The block below, between Dupont and Montgomery, has been alluded to as containing an undesirable collection of low drinking-dens, fringed by the abodes of Sydney convicts and other scum.

On Pacific st began the business district proper once more, sprinkled with several inns, such as Crescent house of S. Harding, McIntire house, Planter's hotel of J. Stigall, and Waverly house of B. F. Bucknell, the latter a four-story frame building, on the less reputable north side, charging $5 a day. In this block, between Montgomery and Kearny, were the offices of Boschultz & Miller, and Brown & Phillips, merchants; Salmon & Ellis, ship and com. mer.; Wilson & Co., grocers, Jackson & Shirley, crockery and grocery. Above, between Kearny and Dupont, resided J. B. Weller, subsequently governor, of the firm of Weller, Jones, & Kinder; near by W. H. West kept a grocery, and A. A. Austin a bakery. Higher up toward Stockton were Fox, O'Connor, and Cumming, and F. Kauffman & Co., dry-goods dealers. Adjoining stood a groggery which had since 1846 dispensed refreshments to wayfarers to the presidio. Above, between Mason and Powell, rose Bunker Hill house, graced for a time by the later bankers Flood and O'Brien. On Jackson st, between Mason and Powell, were several prominent residents, including C. H. Cook, com. mer., and at the Stockton corner lived W. H. Davis. At the corner of Virginia st, a lane stretching below Powell st, between Broadway and Washington, stood the First Congregational church, Rev. T. D. Hunt. Here was also the office of Blanchard & Carpenter. Below Stockton were Mayer, Bro., & Co., grocers; C. Prechet & Co., druggists; H. M. Snyder, stoves. Below Dupont, Capt. W. Chard, Carter, Fuller, & Co., Hy. Mackie, Ben. Reynolds, Jas Stevenson, com. mers; Chas Durbee, mer.; Johnson & Caufield, clothing; J. Leclere, gen. store; J. Benelon, French store. The Ohio house is placed here, and the Philadelphia house where began the fire of Sept. 1850, and below Kearny the California house of J. Cotter & Co. Here flourished the *Evening Picayune*, Gihon & Co., and two French establishments, Dupasquier & Co., and F. Schultz' French-goods shop; S. Martin, importer; W. & C. Pickett, Schesser & Vanbergen, mers; J. & M. Phelan, wholesale liquor dealers; Joel Noah, clothing.

On Washington st, at the corner of Mason, stood H. Husband's bath-house; below was the grocery of W. E. Rowland; and between Stockton and Dupont sts C. S. Bates kept a druggist shop. Above this, the First Baptist church, Rev. O. C. Wheeler. At the corner of Washington lane, which ran below Dupont to Jackson st, Bauer's drug-store was first opened. Below Kearny st ran another cross-lane to Jackson, Maiden lane, on which C. Nutting had established a smithy and iron-works, while adjoining him, on the corner, were the Washington baths of Mygatt & Bryant. Opposite this lane, to Merchant st, ran Dunbar alley, so named after Dunbar's California bank, at its mouth. At the parallel passage, De Boom avenue, A. Müller had opened a hotel, and near by a brick building was going up for theatrical purposes. On the north side C. L. Ross had in 1848-9 kept his New York store. In the same section, between Kearny and Montgomery sts, were the offices

cognate French sought their proximity along the Jackson street, with two hotels offering significant welcome &

of Bodenheim & Sharff, Dundar & Gibbs, Reynolds & Letter, Marriesse Burthey, Medina, Hartog, & Co., J. S. Moore & Co. (F. Michael), Morris, Lev. & Co., F. Gibbs, Galland, Hart, & Co., Arnold & Winter, com. mcrs; P. Schloss & Co., mcrs; L. & J. Blum, L. A. Hart & Co., Steinberger & Kaufman, A. Kiser, Rosenzweig & Lask, M. Levi & Co., Potedamer & Rosenbaum, clothing; W. D. Forman & Co., grocers; Hastings & Co. (S. & T. W.), variety store; Smiley (Jas), Korn, & Co., hardware; Rob. Turnbull, broker.

At the head of Clay st stood the City hospital of Dr P. Smith, destroyed Oct. 31, 1850. Near by, above Stockton st, was the paper warehouse of G. A. Brooks and the house of Jas Crook, mcr. Below Stockton st ran the parallel Pike st, at the corner of which stood the post-office, at a rental of $7,200 a year. Since its first location on the N. W. corner of Washington and Montgomery sts it had been moved to the N. E. corner of Washington and Stockton, then to the above location, and in 1851 to a zinc-covered building on the N. E. corner of Dupont and Clay sts. So much for the instability which stamped the city and county generally in these early days. At the other corner rose the Bush house of Hy. Bush, a few steps above the fashionable St Francis hotel, and opposite Woodruff's jewelry shop. On Pike st, the latter well-known R. B. Woodward kept a coffee shop. Near by, on Clay st, resided Allen Pierce and A. A. Selover. Between Dupont st and the plaza was the book-store of Wilson & Spaulding, and the hardware shop of Aug. Morrison. Clay st below Kearny was mainly a dry-goods row, to judge from the number of the dealers, as Lacombe & Co., importers; W. E. Keyes, Hy. Kraft & Co., Moore, Tickenor, & Co., Josiah Morris, on Clay st row, J. B. Simpson, Ulmer & Co., Oscar Uny, dealers; besides Geo. Bergo, Lewis Lewis, Isaac Myers, who advertised both dry goods and clothing, there were also the special clothing-stores of Heller, Lehman, & Co. (W. Cohen), Jos. Goldstein, Langfield, & Co. (S. & J. Haningsberger), Kelsey, Smith, & Risley. The street boasted moreover of two bankers, Page (F. W.), Bacon, & Co. (D. Chambers, Hy. Haight) and B. Davidson, agent for Rothschild; C. Platt, mcr.; Cohn Kauffman & Co. (A. Tieroff), W. M. Jacobs, Sinton & Bagley, Hawks, Parker, & Co., Larned & Sweet, Pioche & Bayerque, com. mcrs, and several connected with dry goods; P. Rutledge & Co., tinsmiths; Bennett & Kirby, hardware; Tillman & Dunn, manuf. jewellers; Hayes & Bailey (or Lyndall), jewellers; M. Lewis, importer of watches; Stedman & White, watchmakers; Sanchez Bros (B. & S.), real estate brokers; Marriott (F.) & Anderson, monetary agents, in Cross & Hobson's building, on the N. side, half-way to Montgomery st; opposite had long stood Vioget's or Portsmouth house. Dr A. J. Bowie, and Dr Wm Rabe, druggist; Chipman & Woodman's Clay-st reading-rooms; C. Elleard's oyster-rooms, N. side; Adelphi theatre, S. side.

On the short parallel Commercial st, not yet fully opened, figured the Commercial-street house, P. S. Gordon; the Atheneum Exhibition of Dr Colyer; J. W. Tucker, jeweller; G. W. Dart, drinking-saloon, and about to open baths on Montgomery st.

Sacramento st was already becoming known as Little China, from the establishment of some Mongol merchants upon its north line, on either side of Dupont st, but this had not as yet involved a loss of caste, for several prominent people occupied the section between Dupont and Kearny st. Folsom lived in a house built by Leidesdorff on the N. side; Halleck, Peachy, & Billings, counsellors, Pfingsthorn, Heyman, & Co., com. mcrs, Gibson & Tibbits, had their offices here; Convert & Digrol kept a fancy-goods shop; Selby (T.) & Post (Phil.), metal dealers. In the section below Kearny st: Fitzgerald, Bausch, Brewster, & Co., Simonsfield, Bach, & Co., W. M. Coughlin, Cramer, Raubach, & Co., gen. importers; Spech & Baugher, G. H. Beach, J. B. & A. J. George, D. S. Hewlett & Co. (B. Richardson), Tower, Wood, & Co., D. J.

the Hi Point. Little China was already forming on then amento street, and the widely scattered Germans cre d a favorite resort at the end of Montgomery street.

Mavrenner (of Wallis & Co., Stockton), Lambert & Co. (F. F. Low, later gov.), com. mers; F. Rosenbaum, dry goods & jobbing; Cooper & Co. (J. & I.), Simon Heiter, S. Rosenthal, H. Unger, Adelsdorfer & Neustadter, dry goods; J. M. Caughlin, Simmons, Lilly, & Co., Swift & Bro. (S. & J.), gen. dealers; Jos. E. de la Montaña, stoves, etc.; Kelly & Henderson, J. Sharp, Tyler & Story, grocers; D. J. Oliver & Co., D. C. McGlynn, paints; Geo. Vowels, furniture; Byron house, by Bailey & Smith, and the Raphael and Marye restaurants. The third wooden house on the street was imported by Bluxome, the famous vigilance secretary, and in this, probably a double cottage, J. R. Garniss had his office. On California st, below Stockton, were the fashionable boarding-houses of Mrs Petit and Leland, both on the N. side, the Murray house of Jas Hair, and among residences, those of Whitmore, bought of Rodman Price and Gen. Cazneau, a three-story frame building, of sections rescued from a wreck. It stood on the S. W. corner of Dupont st. On the north side, near Kearny st, in a two-story house, lived the rich and erratic Dr Jones, dressing like a grandee, and hoarding gold, it was said. In the section below Kearny st was the U. S. quartermaster's office, Capt. Folsom; Salas, Bascunen, Fehrman, & Co., Ed. Vischer, Hort Bros, White Bros, O. B. Jennings, mers and importers; Louis Bruch, Esche, Wapler, & Co., Ruth, Tissot (S. C.), & Co., com. mers, the latter two at the corner of Spring st; J. S. Hershaw, gen. grocer; P. Naylor, iron, tin, etc., in the brick building erected on the later Cal. market site, for Fitzgerald, Bausch, & Brewster; Nelson & Baker, blacksmiths, on Webb st. In this lane Capt. Hewlitt, of the New York volunteers, built a boarding-house, on the W. side, and here was the residence of the Fuller family, which owned half the block. Jas Ward had a cottage nearer Montgomery st, which became a boarding-house, perhaps the Duxbury house of Alb. Marshall. The Elephant house of A. G. Oakes, and the Dramatic museum of Robinson & Everard, were not far from the Circus site.

Southward we come once more to the odd seattered habitations, shanties, and tents, which intervened between the bare sand hills and chaparral-fringed hollow. On Pine st, above Montgomery st, I find the office of E. Brown, mer., and Richelieu's hotel with its French restaurant. Along Kearny st to Third, and up Mission st led the path to Mission Dolores, much frequented, especially on Sundays, and by equestrians, for the sand made walking too tiresome. This route was now about to be improved by the construction of a plank road, under grant of Nov. 1850, for seven years, to C. L. Wilson and his partners, with a stock of $150,000. It was finished by the following spring for $96,000, and paid eight per cent monthly interest to the shareholders. The toll charged was 25 cents for a mounted man, 75 c. for vehicles, $1 for wagons with four animals; driven stock, 5 or 10 cts. The toll-gate was moved successively from Post st, Third st, Mission and Fourth, and beyond. In some places, as at Seventh st, the swamps were such as to make piling useless and require corduroy formation, yet this settled in time five feet. The city was too heavily in debt to undertake the construction; and while the mayor vetoed the grant to a private firm, the legislature confirmed it. By selling half the interest Wilson got funds to complete the road. Subsequently the company opened Folsom st to ward off competition, and still divided three per cent a month. For details concerning the plank road, see *Pac. News*, *Picayune*, Nov. 4, 20, 1850, et seq.; *Hittell's S. F.*, 151–3; *Annals S. F.*, 297–8; *Barry and Patten's Men and Mem.*, 108–9.

Mission st presented the best exit south-westward, for Market st remained obstructed long after 1856 by several ridges, one hill at the corner of Dupont st alone measuring 89 ft in height. The hill at Second st, fiercely contested by squatters in the early fifties against Woodworth, the vigilance

Dupont street bore a more sedate appearance, with its mixture of shops and residences, its armory at Jackson street for the first city guard, and its landmarks in Richardson's casa grande on the site of his tent, the first habitation in Yerba Buena, and in Leese's house, the first proper building of the pueblo, both at the Clay-street corners below the post-office. Stockton street, stretching from Sacramento to Green streets, presented the neatest cluster of dwellings, and Powell street was the abode of churches; for of the six temples in operation in the middle of 1850, three graced its sides, and two stood upon cross-streets within half a block. Mason street, above it, was really the western limit of the city, as Green street was the northern. Beyond Mason street ran the trail to the presidio, past scattered cottages, cabins, and sheds, midst dairies and gardens, with a branch path

president, had by that time vanished into the bay. Nevertheless, there were a few early occupants on the upper Market st. At the Stockton and Ellis junction J. Sullivan had a cottage, Merrill one on the later Jesuit college site, and on Mason st near Eddy, Hy. Gerke of viticultural fame rejoiced in an attractive two-story peaked-roof residence; near by lived a French gardener. This was the centre of Saint Ann Valley, through which led a less-used trail to the mission, by way of Bush and Stockton sts, passing Judge Burritt's house and Dr Gates' at the s.w. corner of Geary and Stockton sts, facing the high sand hill which covered the present Union square. At the s. w. end of this square rose a three-story laundry. The site of the present city hall, at the junction of McAllister st, the authorities in Feb. 1850 set aside for the Yerba Buena cemetery, *Ver Mehr's Checkered Life*, 344, which had first existed at the bay terminus of Vallejo st, and subsequently for a brief time on the north-west slope toward North Beach, near Washington square. Benton, in *Hayes' Cal. Notes*, v. 60. The new site was the dreariest of them all, relieved by a solitary manzanita with blood-red stalk midst the stunted shrubbery.

From the cemetery a path led past C. V. Gillespie's house to Mission st, at Sixth st, where began a bridge for crossing the marsh extending to Eighth st. To the left, at the s. w. corner of Harrison and Sixth, or Simmons st, Russ, the jeweller, had a country residence which was soon opened as a pleasure garden, especially for Germans. John Center, the later capitalist, was a gardener in the vicinity. At the mouth of Mission creek lived Rosset. Beyond the bridge Stephen C. Massett, 'Jeemes Pipes,' had for a time a cottage. Then came the Grizzly road-side inn, near Potter st, with its chained bear. Further back stood the Half-way house of Tom Hayes, with inviting shrubbery. Near the present Woodward's Gardens a brook was crossed, after which the road was clear to the mission, where a number of dwellings clustered round the low adobe church, venerable in its dilapidation. Valencia, Noe, Guerrero, Haro, Bernal, whose names are preserved in streets and hills around, and C. Brown, Denniston, Nuttman, and Jack Powers, were among the residents. The centre of attraction was the Mansion house where Bob Ridley and C. V. Stuart dispensed milk punches to crowds of cavaliers, to whom the frequent Mexican attire gave a picturesque coloring.

to the Marine Hospital on Filbert street, and another to the North Beach anchorage, where speculators were planning a wharf for attracting settlement in this direction.

The accommodations offered to arrivals in 1849 were most precarious in character. Any shed was considered fit for a lodging-house, by placing a line of bunks along the sides, and leaving the occupant frequently to provide his own bed-clothes.[21] Such crude arrangements prevailed to some extent also at the hotels, of which there were several. The first entitled to the name was the City Hotel, a story-and-a-half adobe building, erected in 1846 on the plaza,[22] followed in 1848 by the noted Parker House,[23] the phœnix of many fires, and in 1849 by a large number of others,[24]

[21] Such a shed, with 'crates' along the walls, adjoined the City hotel. *Crosby's Events*, MS., 13. Bartlett, *Stat.*, MS., 9, mentions three tiers of bunks in one room. Many were glad to remain on board the vessel which brought them.

[22] On s. w. corner of Clay and Kearny sts. The half-story consisted of gable garrets beneath the tile roof. It had a railed porch, and square, deep-silled windows. Parker had reopened it in July 1848. *Larkin's Doc.*, vi. 144. Bayard Taylor obtained a garret there in 1849. *Eldorado*, 55. See also *Merrill's Stat.*, MS., 3. The lease of $16,000 a year granted in 1848 left a large profit by subdivisions and subrenting. *Alta Cal.*, Sept. 21, 1851, and other current journals.

[23] On the east side of the plaza, near Washington st, where the old city hall now stands. It was a two-story-and-a-half frame building with a frontage of 60 feet, begun in the autumn of 1848, and still in the builder's hands in April 1849, when lumber cost $600 per 1,000 feet. *Little's Stat.*, MS., 3; *Grimshaw's Nar.*, MS., 14. It rented for $9,000, and subsequently for $15,000 per month, half of the sum paid by gamblers who occupied the second floor. Subleases brought $50,000 profit. Four days after its sale, on Dec. 20, 1849, it was burned. By May 4, 1850, it had been rebuilt at a cost of $40,000, only to be destroyed the day of its completion. The lower floor was again in operation by May 27th. The rebuilding, including the Jenny Lind theatre, cost $100,000. It was once more reduced to ashes on the fire anniversary in the following year. Within a week lumber was on the ground for rebuilding. *Alta Cal.*, May 13, 1851; *Henshaw's Stat.*, MS., 1–2; *Buffum's Six Months*, 121–2; *Woods' Sixteen Mo.*, 46. The cost of the first building was placed at $30,000. *Alta Cal.*, May 27, 1850.

[24] Broadway and Fremont hotels near Clark Point landing; St Francis, s.w. corner Clay and Dupont, a four-story building formed from several cottages; no gambling; managed in 1850 by Parker; ravaged by a solitary fire on Oct. 22, 1850; Ohio house on Jackson between Kearny and Dupont; German house on Dupont near Washington; Muller's, in Townsend avenue, on Washington; American hotel, with daily business of $300; U. S. hotel of Mrs King, claiming to accommodate 200 lodgers; Howard hotel; Merchants' hotel of Dearborn and Sherman; Colonnade house of Wm Conway on Kearny; Ward house on the Clay-st side of the plaza; Brown's hotel; Portsmouth house of E. P. Jones; G. Denecke's house on the corner of

many of which were lodging-houses, with restaurants attached. The latter presented a variety even greater than the other in methods and nationalities of owners, cooks, and waiters, or rather stewards, for where the servant was as good as the master the former term was deemed disrespectful. From the cheap and neat Chinese houses, marked by triangular yellow flags, wherein a substantial meal could be had for a dollar, the choice extended to the epicurean Delmonico, where five times the amount would obtain only a meagre dinner. Intermediate ranged several German, French, and Italian establishments, with their different specialties by the side of plain Yankee kitchens, English lunch-houses, and the representative fonda of the Hispano element, many in tents and some in omnibuses, which proving unavailable for traffic were converted to other uses.[25] Little mattered the na-

Pacific and Sansome; Sutter hotel and restaurant by Ambrose and Kendall; Barnum house of Mitchell, Carmon, and Spooner, opened on Sept. 15, 1850, on Commercial between Montgomery and Kearny; Ontario house; Stockton hotel of Starr and Brown, on Long Wharf; Healey house, opened in Dec. 1849, claimed to be then the most substantial house in the city; Graham house, imported bodily from Baltimore; Congress hall used for accommodation. The first really substantial hotel was the Union, of brick, four and a half stories, opened in the autumn of 1850 by Selover & Co., a firm composed of Alderman Selover, Middleton, and E. V. Joice. It was built by J. W. Priestly, after the plan of H. N. White, the brick-work embracing 500,000 bricks, contracted for completion within 26 days. The chandeliers, gilt frames, etc., fitted by J. B. M. Crooks and J. S. Caldwell. It extended between Clay and Washington for 160 feet, with a frontage of 29 feet on the east side of Kearny. It contained 100 rooms. The cost, including furniture, was $250,000. Burned in May 1851, and subsequently it became a less fashionable resort. The construction of the more successful Oriental was begun in Nov. 1850, at the corner of Bush and Battery. Jones', at the corner of Sansome and California, first opened as a hotel by Capt. Folsom, but unsuccessfully, was soon converted into the Tehama house, much frequented by military men. For these and other hotels, I refer to *Alta Cal.*, May 27, 1850; Oct. 23, 1853; Mar. 8, 1867; *Pac. News*, Nov. 6, 8, Dec. 6, 22, 25, 27, 1849; Jan. 1, 3, 5, Apr. 26, 27, Oct. 22, Nov. 9, 1850; *Cal. Courier*, Sept. 12, 14, 1850; *S. F. Picayune*, Aug. 17, 30, Sept. 12, 16, 1850; *S. F. Annals*, 647 et seq.; *Bauer's Stat.*, MS., 2; *Kimball's Dir.*, 1850.

[25] The Bay hotel (Pet. Guevil) and the Illinois house (S. Anderson), on Battery st; the Bruner house, Lovejoy's hotel (J. H. Brown), Lafayette hotel (L. Guiraud) and the Albion house (Croxton & Ward), on Broadway st; on Pacific st were the Marine hotel (C. C. Stiles), Hotel du Commerce (C. Renault), Crescent house (Sam. Harding), Planters' hotel (J. Stigall), McIntire house and the Waverly house (B. F. Bucknell); on Jackson st were the Commercial hotel (J. Ford & Co.), Dalton house (Smith & Hasty), E. Pascual's Fonda Mejicana, the Philadelphia house and J. Cotter & Co.'s California house. On Commercial st T. M. Rollins kept the Kennebec house, and P. S.

ture of the accommodation to miners fresh from rough camps, or to immigrants long imprisoned within foul hulks, most of them half-starved on poorer provisions. To them almost any restaurant or shelter seemed for a while at least a haven of comfort. Nor were all well provided with funds, and like the prudent ones who had come with the determination to toil and save, they preferred to leave such luxuries as eggs at seventy-five cents to a dollar each, quail and duck at from two to five dollars, salads one and a half to two dollars, and be content with the small slice of plain boiled beef, indifferent bread, and worse coffee served at the dollar places,[26] and with one of the

Gordon the house bearing the name of the street. On Montgomery st stood the Star house (C. Webster), Irving house, Eureka hotel (J. H. Davis & Co.), Montgomery house, Cape Cod house (Crocker, Evans, & Taylor). Sansome st contained the Merrimac house (Williams & Johnson), New England house (W. B. Wilton), and the New Bedford house (Jno. Britnell), three names likely to attract the attention of newly arrived wanderers from the far East. On Kearny st were the Adams (Jno. Adams), mansion (Mrs E. Gordon), Mariposa (B. Vallafon), Crescent City (Winley & Lear), and San José houses, and the Graham hotel, which latter became the city hall in 1851. On Dupont st I find the Globe hotel (Mrs B. V. Koch), and the Albion (B. Keesing) Harm's (H.) and Excellent houses. On Clay st H. Bush kept the house which took his name. On Sacramento st was Bailey & Smith's Byron house, and California st contained the Murray (Jas Hair), Duxbury (A. Marshall), and Elephant (A. G. Oakes) houses. Richelieu hotel was on Pine st, and over in the Happy and Pleasant Valley region the Isthmus hotel proffered hospitality. At or near the mission were wayside resorts, such as the Grizzly, near Potter st, and the Mansion house of Bob. Ridley and C. V. Stuart. On Sacramento st were Raphael's restaurant and that of Marye. On Kearny st bet. Clay and Sacramento were Mme Rosalie's restaurant, and Swan and Thompson's New York bakery. Wm Meyer kept a coffee-house on Jackson st at the water-front, and Nash, Patten, and Thayer's Kremlin restaurant and saloon stood on Commercial st. Besides four Chinese restaurants, on Pacific, Jackson, and Washington st near the water-front, charging $1 for a dinner, *Cassin's Stat.*, MS., 14, there were American restaurants at the same price, as Smyth Clark's. *Barlett's Stat.*, MS., 8. One on Broadway was in full blast while its ruins were still smoking after the first great fire. *Garniss' Early Days*, MS., 19. There were the U. S. and California houses on the plaza, besides a French restaurant, whose counterpart existed also on Dupont st, not far from a large German establishment on Pacific st. Then there were the classical Gothic hall and Alhambra, Tortini's of Italian savor, the Empire, Elleard's on Clay st, by Tom Harper, Clayton's near by, and a number of others, some advertised in *Alta Cal.*, May 27, 1850, etc., and *Pac. News.* Woodward of the later noted What Cheer house kept a coffee shop near the post-office on Pike toward Sacramento st. *S. F. Bull.*, Jan. 23, 1867. Many of the hotels mentioned above combined restaurants and lunching-places in connection with drinking-saloons and other establishments.

[26] This was the meal at City hotel, says Crosby, *Events*, MS., 14. Sometimes sea-biscuits and dumplings would be added. Some of the boarders kept a private bottle of pickles, or bought a potato for 25 cents. The bill of fare at Ward's or Delmonico's read: Oxtail or St Julien soup, 75c. to $1;

dozen or fifty bunks in a lodging-room at from six to twenty dollars a week; for a room even at the ordinary hotel cost from $25 to $100 a week, while at Ward's it rose to $250.[27] Offices and stores were leased for sums ranging as high as six thousand dollars a month, and a building like the Parker House, on the plaza, brought in subrenting large profits upon the $15,000 monthly lease.

It was the period of fancy prices, and houses and lots shared in the rule. When the gold-seekers who rushed away from San Francisco in 1848 returned in the autumn and found that their abandoned lots had, under the reviving faith in the city, earned for many of them more than they obtained from the Sierra with its boasted treasures, then speculation took a fresh start. When, with the ensuing year, immigrants poured in; when ships crowded the harbor; when tents and sheds multiplied by the thousand, and houses

salmon or fish in small variety, $1.50; entrees, of stews, sausage, meats, etc., $1 to $1.50; roast meats ranged from beef, the cheapest, at $1, to venison at $1.50; vegetables, limited in range and supply, were 50c.; pies, puddings, and fruit, 75c.; omelettes, $2. The wine list was less exorbitant, owing to large importations, for although ale, porter, and cider were quoted at $2, claret, sherry, and Madeira stood at $2, $3, and $4 respectively, while champagne and old port could be had in pint bottles at $2.50 and $1.75; whiskey and brandy were very low, likewise raisins, cigars, etc. For prices, see *Schenck's Vig.*, MS., 20; *Pac. News*, Dec. 4, 1849; Jan. 12, 1850; *Taylor's Eldorado*, i. 116; *S. J. Pioneer*, Aug. 16, 1879; *Taylor's Spec. Press*, 500–3. Toward winter the price for board rose from $20 to $35 a week. A moderate charge for board and lodging was $150 a month. Food was abundant and cheap enough at the sources of supply; the cost lay principally in getting it to market. The great ranchos supplied unlimited quantities of good beef; bays, rivers, and woods were alive with game; the finest of fish, wild fowl, bear-meat, elk, antelope, and venison could be had for the taking; but vegetables, fruit, and flour were then not so plentiful, and had to be brought from a greater distance.

[27] Schenck, *Vig.*, MS., 20, paid $21 a week for a bunk on the enclosed porch of an adobe house on Dupont st. For room rents, see *Garniss' Stat.*, MS., 11; *Olney's Vig.*, MS., 3; *Sherman's Mem.*, i. 67; *Larkin's Doc.*, vi. 41, etc. The ground-rent for a house ranged from $100 to $500 a month. *Buffum's Six Months*, 121. A cellar 12 ft square could be had for a law-office at $250 a month. For an office on Washington above Montgomery st $1,000 was asked. *Brown's Stat.*, MS., 11. For desk-room of five feet at the end of a counter, $100 a month. *Sutton's Stat.*, MS., 3. For their Miners' Bank on the N. W. corner Kearny and Washington sts, Wright & Co. paid $6,000 monthly. A stor. 20 feet in front rented for $3,500 a month. Yet the U. S. hotel rental was said to be only $3,000. In the tent structure adjoining, the Eldorado, single rooms for gambling brought $180 a day; mere tables in hotels for gambling $30 a day.

shot up like mushrooms—speculation became wild. Lots, which a year before could not be sold at any price, because the town had been left without either sellers or buyers, now found ready purchasers at from ten to a thousand times their cost.[28]

More than one instance is recorded of property selling at $40,000 or more, which two years before cost fifteen or sixteen dollars, and of the sudden enrichment of individual owners and speculators. Well known is the story of Hicks, the old sailor. The gold excitement recalled to his memory the unwilling purchase in Yerba Buena of a lot, which on coming back in 1849 he found worth a fortune. His son sold half of it some years later for nearly a quarter of a million.[29] Vice-consul Leidesdorff died in 1848, leaving property then regarded as inadequate to pay his liabilities of over $40,000. A year later its value had so advanced so as to give to the heirs an amount larger than the debt, while agents managed to make fortunes by administering on the estate.[30]

[28] For prices in 1846–8, see my preceding volume, v., and note 4 of this chapter. With preparation for departure to the mines, in the spring of 1849, a lull set in, *Larkin's Doc.*, vii. 92; *Hanley's Observ.*, MS., 5; but immediately after began the great influx of ships, and prices advanced once more, till toward the end of the year, when gold-laden diggers came back, they reached unprecedented figures. A lot on the plaza, which in 1847 had cost $16.50, sold in beginning of 1849 for $6,000, and at the end of the year for $45,000. *Henshaw's Events*, MS., 7. Buffum, *Six Mo.*, 121–2, instances this or a similar sale as ranging from $15 to $40,000. Johnson, *Cal. and Or.*, 101, gives the oft-told story of a lot selling for $18,000, which two years before was bartered for a barrel of whiskey. A central lot which R. Semple is said to have given away to show his confidence in Benicia's prospects, now commanded a little fortune. Williams, *Rec.*, MS., 6–7, quotes central lots long before the close of 1849 at from $10,000 to $15,000, those on the plaza at $15,000 and $20,000; yet the most substantial business was done east of Kearny st, observes Currey, *Stat.*, MS., 8. A 50-vara lot on the corner of Montgomery and Market sts sold for $500. *Findla's Stat.*, MS., 8. The government paid $1,000 a foot for 120 feet on the plaza. *S. F. Herald*, June 25, 1850. At the end of this year the demand fell off. *Larkin's Doc.*, vii. 231, yet the rise continued till the climax for the time was reached in 1853, says Williams, the builder. *Ubi sup.* At the close of this year the authorities sold water lots of only 25 feet by 59, part under water, at from $8,000 to $16,000, four small blocks alone producing $1,200,000, and tending to restore the impaired credit of the city. *Annals S. F.*, 182. In *Cal. Digger's Hand-book*, 36, are some curious figures for lots from the presidio to San Pablo. For reliable points, see *Alta Cal.*, Dec. 15, 1849, etc.; and *Pac. News*; also *Rednitz, Reise*, 106; *Lambertie, Voy.*, 203–9.

[29] Details in *S. F. Real Estate Circular*, *Sac. Bee*, June 12, 1874; *Hayes' Scraps, Cal. Notes*, v. 16, etc.

[30] The state laid claim to it, but yielded after long litigation. Leidesdorff

The demand was confined chiefly to Kearny street round the plaza, and eastward to the cove, including water lots. Outside land shared only moderately in the rise, fifty-vara lots, the usual size, near the corner of Montgomery and Market streets, selling for $500. Property toward North Beach was regarded with greater favor.[31] Periodic auction sales gave a stimulus to operations,[32] and lotteries were added to sustain it, chiefly by men who had managed to secure large blocks on speculation.[33] Dealings were not without risk, for several clouds overhung the titles, water lots being involved in the tide-land question, soon satisfactorily settled by act of legislature, and nearly all the rest in the claim to pueblo lands, which led to long and harassing litigation, with contradictory judgments, disputed surveys, and congressional debates;

was buried at Mission Dolores with imposing ceremonies befitting his prominence and social virtues. Warm of heart, clear of head, social, hospitable, liberal to a fault, his hand ever open to the poor and unfortunate, active and enterprising in business, and with a character of high integrity, his name stands as among the purest and best of that sparkling little community to which his death proved a serious loss. It is necessary for the living to take charge of the effects of the dead, but it smells strongly of the cormorant, the avidity with which men seek to administer an estate for the profit to be derived from it. We have many notable examples of this kind in the history of California, in which men of prominence have participated, sometimes in the name of friendship, but usually actuated thereto by avarice. The body of William A. Leidesdorff was scarcely cold before Joseph L. Folsom obtained from Gov. Masón an order to take charge of the estate in connection with Charles Myres. The indecent haste of Folsom was checked by the appointment as administrator of W. D. M. Howard by John Townsend, 1st alcalde of San Francisco. And when Folsom died there were others just as eager as he had been to finger dead men's wealth.

[31] Beyond Montgomery and Market, 100-vara lots were offered for $500, and with some purchasers the scrub oak firewood on them was the main inducement.

[32] See advertisements in *Alta Cal.*, Dec. 15, 1849, and other dates; and *Pac. News*, Jan. 5, 1850, etc. Large weekly sales took place. The last of 500 lots yielded $225,000, says *S. F. Herald*, Aug. 10, 1850; *S. F. Picayune*, Dec. 4, 1850; *Olney's Vig.*, MS., 2. Among the auctioneers whose sale catalogues are before me figure G. E. Tyler in 1849, and Cannon & Co. and Kendig, Wainwright, & Co. in 1850. In the 1849 catalogues 50-vara lots prevail as far s. w. as Turk and Taylor sts, and 100-vara sizes south of Market st, while in 1850 lots of 20 feet frontage are the most common even in the latter region. For raffling of lots, see *Cal. Courier*, Oct. 5, 1850; *Pac. News*, Oct. 19, 1850.

[33] A large portion of the city land was held by a few and squatters would scuttle old hulks upon desirable water lots to secure possession, as did alcalde Leavenworth. *Merrill's Stat.*, MS., 2-4.

in addition to which rose several spectres in the form of private land grants.[34]

By the middle of 1849 the greater part of the lots laid out by O'Farrell[35] had been disposed of, and W. M. Eddy was accordingly instructed to extend the survey to Larkin and Eighth streets,[36] within which limits sales were continued. Encouraged by the demand, John Townsend and C. de Boom hastened to lay out a suburban town on the Potrero Nuevo peninsula, two miles south, beyond Mission Bay, which with its sloping ground, good water, and secure anchorage held forth many attractions to purchasers; but the distance and difficulty of access long proved a bar to settlement.[37]

The eagerness to invest in lots was for some time not founded on any wide-spread confidence in the country and the future of the city. Few then thought of making California their home, or, indeed, of remaining longer than to gather gold enough for a stake in life. Viewed by the average eye, the abnormities of 1849 displayed no meaning. Absorbed in the one great pursuit, which confined them to comparatively arid gold belts and to marshy or sand-blown town sites, they missed the real beauties of the country, failed to observe its best resources, and became impressed rather by the worst features connected with their roamings and hardships. The climate was bearable, summer's consuming heat being chased away by winter's devouring waters. The soil would not furnish food for the people, it was said. The mines

[34] By Larkin, Santillan, Sherrebeck, Limantour, and others, which, however, did not appear at this early date, when the tide-water question excited the only real fear. Land titles are fully considered in a special chapter. By order of the governor, Feb. 19, 1850, the sale of municipal lands was fordidden till the legislature should decide. *S. F., Minutes Legisl. Assembly*, 14, 229.

[35] See preceding vol. v.

[36] See *A. Wheeler's Report* of 1850, and his *Land Titles in S. F.* of 1852, for observations on survey and lists of sales and grants made up to 1850; also *Pac. News*, Nov. 27, 1849; *Alta*, etc.

[37] It was surveyed by A. R. Flint. Hunter Bros were the agents in S. F. *Or. Sketches*, MS., 2; *Buffum's Six Months*, 156.

would not yield treasures forever; then what should pay for the clothing and provisions shipped hither from distant ports, which had to furnish almost everything needful for sustaining life, even bread? Surely not the hides, horns, and tallow secured from the rapidly disappearing herds.

There was, consequently, little inducement to prepare anything but the flimsiest accommodation for the inflowing population and increasing trade. Then there was an excitement and hurry everywhere prevalent, and the cost of material and labor was excessive. Every day saw a marked change in the city's expansion; and as winter approached and rain set in, the central part underwent a rapid transformation, under the effort to replace canvas frames with somewhat firmer wooden walls. It is assumed that at least a thousand sheds and houses were erected in the latter half of 1849,[38] at a cost that would have provided accommodation for a fivefold larger community on the Atlantic coast.

Stretching its youthful limbs in the gusty air, San Francisco grew apace, covering the drift sand which was soon to be tied down by civilization, carving the slopes into home sites for climbing habitations till they reached the crests, levelling the hills by blasting out ballast for returning vessels, or material for filling in behind the rapidly advancing piling in the cove.

The topography of the city, with sharply rising

[38] *Buffum's Six Months*, 121. Taylor estimates the habitations in Aug., including tents, at 500, with a population of 6,000, and that the town increases daily by from fifteen to thirty houses; its skirts rapidly approaching the summits of the hills. *Eldorado*, i. 59, 203. His 'houses' must be understood as embracing at least canvas structures. The streets were encroaching on Happy Valley, and the harbor was lined with boats, tents, and warehouses to Rincon Point. As many as 40 buildings have risen within 48 hours. 'Framed houses were often put up and enclosed in 24 hours.' *McCollum's Cal.*, 60. Muslin was used instead of plaster. *Adven. of Capt. Wife*, 27-8. A most valuable account of the building of the city in 1849 and subsequent years is given in the *Statement*, MS., 4 et seq., of H. F. Williams, who opened a carpenter-shop in 1849 on the east side of Montgomery st, between Jackson and Washington, and figured long as builder and contractor. He paid $12 a day in Nov. to any one who could handle a saw and hammer. Buildings now costing $2,500 were then contracted for at $21,000. Details are also given in *Sutton's Early Exper.*, MS.; *Bauer's Stat.*, MS., 5; *Larkin's Doc.*, vi. 51, etc.; *Sandwich Is. News*, ii. 193, etc.; *S. F. Picayune*, Sept. 11, 1850; *Cal. Courier*, Dec. 11, 1850; *S. F. Herald*, June 20, 1850, etc.

hills so close upon the established centre of population, interposed a barrier against business structures, while the shallow waters of the bay invited to the projection of wharves, which again led to the erection of buildings alongside and between them. In levelling for interior streets the bay offered the best dumping-place, and the test once satisfactorily made, sand ridges scores of feet in height came tumbling down into the cove under the combined onslaught of steam-excavators, railroads, and pile-drivers. In 1849 Montgomery street skirted the water; a little more than a year later it ran through the heart of the town.[39]

The only real encroachment upon the water domain in 1848 was in the construction of two short wharves, at Clay and Broadway streets.[40] In May 1849 Alcalde Leavenworth projected Central or Long Wharf, along Commercial street, which before the end of the year extended 800 feet, and became noted as the noisy resort of pedlers and Cheap John shops. Steamers and sea-going vessels began to unload at it, and buildings sprang up rapidly along the new avenue. Its successful progress started a number of rival enterprises upon every street along the front, from Market and California streets to Broadway and beyond.[41]

[39] 'Within another year one half of the city will stand on soil wrested from the sea,' exclaim the *S. F. Courier* and *Sac. Transcript*, Oct. 14, 1850. Thus were overcome difficulties not unlike those encountered in placing St Petersburg upon her delta, Amsterdam upon her marshes, and Venice upon her island cluster. During the winter 1850-1 over 1,000 people dwelt upon the water in buildings resting on piles, and in hulks of vessels.

[40] This wet-nursing began in 1847 by city appropriation, assisted by W. S. Clark. See my preceding vol., v. 655-6, 679. Many pioneers think that because a favorite landing-place was upon some rocks, at Pacific and Sansome sts, there were no wharves. The lagoon at Jackson st, which had been partly filled, offered an inlet for boats. There were also other landings. *Crosby's Stat.*, MS., 12; *Schenck's Vig.*, MS., 14; *Miscel. Stats.*, MS., 21; and note 5 of this chapter.

[41] Central wharf, owned by a joint-stock company, of which the most prominent members were Mellus & Howard, Cross, Hobson, & Co., Jas C. Ward, J. L. Folsom, De Witt & Harrison, Sam Brannan, Theo. Shillaber, etc., began at Leidesdorff st, and was originally 800 ft long. Being seriously damaged by the fire of June 1850, it was repaired, and by Oct. extended to a length of 2,000 ft, affording depth of water sufficient to allow the Pacific Mail steamers to lie alongside. The cost was over $180,000. Details in *Schenck's Vig.*, MS., 14; *Fay's Facts*, MS., 2; *S. F. Bull.*, Jan. 23, 1867. C. V. Gillespie was prest. *Alta*, Dec. 12, 1849. Before the beginning of the winter of 1850-1, Market-st wh. corporation property, already looming as a wholesale

They added nearly two miles to the roadway of the city, at an outlay of more than a million dollars, which, however, yielded a large return to the projectors, mostly private firms. A few belonged to the municipality, which soon absorbed the rest, as the progress of filling in and building up alongside and between converted them into public streets, and caused the formation of a new network of wharves.

In the rush of speculation and extension, in which the energy and success of a few led the rest, the several sections of the city were left comparatively neglected, partly because so many thought it useless to waste improvements during a probably brief stay. Streets, for instance, remained unpaved, without sidewalks and even ungraded. The pueblo government had before the gold excitement done a little work upon portions of a few central thoroughfares, yet Montgomery street was still in a crude condition and higher on one side than on the other.[42] During the dry summer this mattered little, for dust and sand would in any case come whirling in clouds from the surrounding hills, but in winter the aspect changed. The season 1849-50 proved unusually watery.[43] Build-

centre, *Cal. Courier*, Aug. 7, 1850, extended 600 ft into the cove; California-st wh., substantially built, was 400 ft long by 32 ft wide; Howison's pier, connected by a railway with Sacramento st, was 1,100 ft long, with a width of 40 ft, and a depth of water of 14 ft at high tide. Barry and Patten, *Men and Mem.*, 17, confound this with Sacramento-st wh., owned by Stevenson & Parker, 800 ft long, extending from Sansome st to Davis. Clay-st wh. was being rapidly carried out over 1,000 ft, with a width of 40 ft, and started from a mole or staging at Sherman & Ruckle's store, says Grimshaw, *Narr.*, MS., 14; Washington-st wh. was 275 ft long; Jackson-st wh., 552 ft, ended at Front st in 13 ft of water. The well-built Pacific-st wh. extended over 500 ft (probably to be completed to 800 ft) by 60 ft in width; Broadway wh., 250 ft long by 40 ft, was the landing-place of the Sacramento steamers. *Barnes' Or. and Cal.*, MS., 19; *Henshaw's Stat.*, MS., 2. Cunningham's wh., between Vallejo and Green sts, was 375 ft by 33 ft, with a right-angle extension of 330 ft by 30 ft, at a depth of 25 ft. The Green-st or Law's wh. was under construction, and at North Beach a 1,700-ft wharf from foot of Taylor st was projected. See, further, *Annals S. F.*, 291-3; *Davis' Glimpses*, MS., 265-78; *Bauer's Stat.*, MS., 2; *Earl's Stat.*, MS., 1-10; *Lawson's Autobiog.*, MS., 16-17; *Bartlett's Stat.*, MS., 2; *Pac. News*, May 2, Aug. 27, 1850; *S. F. Picayune*, Aug. 19, Nov. 11, 1850; *S. F. Herald*, Oct. 22, 1850. Howison's wh., valued at $200,000, was offered at lottery, tickets $100. *Cal. Courier*, Sept. 26, 1850.

[42] For work done in 1847-8, see my preceding vol., v. 654-5.

[43] The rains began on Nov. 13th and terminated in March, falling during

ings were flooded, and traffic converted the streets into swamps, their virgin surface trodden into ruts and rivers of mud. In places they were impassable, and so deep that man and beast sank almost out of sight. Many animals were left to their fate to suffocate in the mire, and even human bodies were found ingulfed in Montgomery street.[44]

Driven by necessity, owners and shop-keepers sought to remedy the evil—for the municipal fund was scanty—by forming sidewalks and crossings with whatever material that could be obtained, but in a manner which frequently served to wall the liquid mud into lakes. The common brush filling proved unstable traps in which to entangle the feet of horses. The cost of material and labor did not encourage more perfect measures. It so happened that with the inflow of shipments many cargoes contained goods in excess of the demand, such as tobacco, iron, sheet-lead, cement, beans, salt beef, and the cost of storage being greater than their actual or prospective value, they could be turned to no better use than for fillage. Thus entire lines of sidewalks were constructed of expensive merchandise in bales and boxes, which frequently decayed, to the injury of health.[45] The absence of lamps rendered

71 days, or half the time. *S. F. Direct.*, 1852, 12. Lower lying buildings were flooded. *Sutton's Stat.*, MS., 7.

[44] Schmiedell, *Stat.*, MS., 5-6, mentions one man who was suffocated in the mud. Another witness refers to three such cases, due probably to intoxication. See also *Hittell's S. F.*, 154; *S. F. Bull.*, Jan. 23, 1867. 'I have seen mules stumble in the street and drown in the liquid mud,' writes Gen. Sherman, *Mem.*, i. 67. At the corner of Clay and Kearny sts stood posted the warning: 'This street is impassable, not even jackassable!' *Upham's Notes*, 268. At some crossings 'soundings' varied from two to five feet. *Shaw's Golden Dreams*, 47.

[45] A sidewalk was made from Montgomery st to the mail steamer office 'of boxes of 1st class Virginia tobacco, containing 100 lbs. each, that would be worth 75 cts a pound.' *Cole's Vig.*, MS., 3. Tons of wire sieves, iron, rolls of sheet lead, cement, and barrels of beef were sunk in the mud. Tobacco was found to be the cheapest material for small building foundations. *Neall's Vig.*, MS., 16; *Fay's Facts*, MS., 3. Foundations subsequently were sometimes worth more than the house. Some Chile beans sunk for a crossing on Broadway would have made a fortune for the owner a few weeks later. *Garniss' Early Days*, MS., 14; *Lambertie, Voy.*, MS., 202-3. There were a few planked sidewalks. *Sutton's Stat.*, MS., 7; *Cal. Past and Present*, 149-50; *Bartlett's Stat.*, MS., 7; *Schenck's Vig.*, MS., 16.

progress dangerous at night,[46] and the narrowness of the path led to many a precipitation into the mud, whence the irate victims would arise ready to fight the first thing he met. Long boots and water-proof suits were then common.

The experiences of the winter led in 1850 to more substantial improvements. The municipal government adopted a system of grades, under which energetic work was done; so much so that before the following winter, which was excessively dry, the central parts of the town might be regarded as practically graded and planked, a portion being provided with sewers.[47] With the rapid construction of saw-mills on the coast, supplemented by the large importation of lumber from Oregon, this article became so abundant and cheap as to restrict to small proportions the use of stone material for streets.

In the adoption of grades the local government had been hasty; for three years later a new system had to be adopted, partly to conform to the gradual extension of the city into the bay. This involved the

[46] *Pac. News*, of May 9, 1850, complains that Kearny st is left to darkness. Lights were not introduced till the spring of 1851. *S. F. Directory*, 1852, 18.

[47] Montgomery, Kearny, and Dupont sts, from Broadway to Sacramento, and even to California st, were so far to receive sewers. The grading and planking extended in 1852 from the junction of Battery and Market sts diagonally to Sacramento and Dupont sts, and from Dupont and Broadway to the bay, covering nearly all the intermediate district, except the land portion of Broadway and Pacific. See Barker's plan in *S. F. Directory* of 1852. The *S. F. Annals*, 296, leaves a wrong impression of progress by the beginning of Nov. 1850, by stating that these improvements were now being executed within the section embraced between the diagonal line running from Market and Battery to Stockton and Clay sts on the south, and the line stretching from Dupont and Broadway straight to the bay, besides odd sections on the north-west to Taylor st, and northward about Ohio, Water, and Francisco sts. See *S. F. Herald*, June 28, July 31, Oct. 29, 1850; *Alta Cal.*, Dec. 21, 1850, and other numbers. La Motte, *Stat.*, MS., 1-2, did some grading. *Larkin's Doc.*, vii. 219; *Cal. Courier*, Sept. 3, 14, 21, 27, Dec. 2, 5, 1850; *S. F. Picayune*, Aug. 19, Sept. 6, 9, Oct. 10, 23, 1850. There was a bridge over the lagoon at Jackson and Kearny sts, observes *Pac. News*, Dec. 20, 1849, June 5, 1820, whose editor boasts that no city in the union 'presents a greater extent of planked streets. Over 40,000 feet, or above 7½ miles of streets have been graded; 19,800 feet have been planked;' and more planking contracted for. The city paid one third of the expense, levying for the remainder on the property facing the streets concerned. The first sidewalk, of stringers and barrel-staves, was laid on the south side of Clay st between Montgomery and Kearny, says Williams, *Stat.*, MS., 4-5. King of William laid the first brick sidewalk. *Cal. Courier*, July 23, 1850.

lifting of entire blocks of heavy brick houses in the business centre, and elsewhere to elaborate cutting and filling with substructure and inconvenient approaches. The expense of the work was absolutely appalling; the more so as much of it had been needless, and the result on the whole miserably inadequate and disfiguring.[48]

In San Francisco was much bad planning.[49] Vioget's pencillings were without much regard for configuration, or for the pathways outlined by nature and early trafficking toward the presidio and mission. O'Farrell's later extension was no better.[50] Both rejected the old-fashioned adaptation to locality, with terraced slopes suited to the site. Terraces and winding ascents would have rendered available and fashionable many of the slopes which for lack of such approaches were abandoned to rookeries or left tenantless. Moreover, while selecting and holding obstinately to the bare rigidity of right angles they distorted the plan from the beginning. The two proposed main streets, instead of being made greater avenues for traffic and dominant factors in the extension of the city by stretching them between Telegraph and Russian hills to the

[48] The new grade, prepared by M. Hoadley and W. P. Humphreys, was adopted on Aug. 26, 1850, and although afterward modified, involved heavy cost by raising former levels as much as five feet, especially on business streets where brick buildings had been erected. Here in lower lying parts changes were imperative. Nearly 1,000 brick buildings have been raised, some of large extent. On hill sites greater latitude was allowed. The requirement of the plan for vertical cuts of 200 feet into Telegraph hill at the intersection of Montgomery and Kearny with Greenwich and Filbert, and of corresponding depths elsewhere, could not be entertained, for the cost would have been in some cases 50 times more than the value of the lots. Elsewhere cuttings of over 50 feet were frequently adopted, although not always enforced. The demand for ballast and filling material tended to obviate the main difficulty—the expense—as in the case of Telegraph hill. With aid of the steam-excavator, or paddy, as this supplanter of Irish labor has been dubbed, which could swing round with a hogshead of sand at every scoop, a truck car could be filled in a few minutes from most of the hills. It has been estimated that an average of nine feet of cutting and filling has been done upon 3,000 acres of the San Francisco site, implying the transfer of nearly 22,000,000 cubic yards of sand.

[49] The plea that a large city was not thought of in 1839 is valid only to a certain extent.

[50] The conformation to the change made was largely undertaken during the winter 1849–50. *Williams' Stat.*, MS., 3. For surveys and defects, see my preceding vol. v.

then promising expanse of North Beach, and so forming a rectangle to the southern main, Market street, they were circumscribed, and allowed to terminate aimlessly in the impassable Telegraph hill. This primary error, whose remedy was too late attempted in the costly opening of Montgomery avenue, had a marked effect on the city in distributing its business and social centres, in encroaching upon the rights and comforts of property owners, and in the lavish squandering of millions. Then, again, the streets were made too narrow, resulting in the decadence of many otherwise advantageous quarters, while some were altered only at an immense outlay for widening. Add to this such abnormities as alternating huge ditches and embankments with lines of houses left perched at varying altitudes upon the brow of cliffs, sustained by unsightly props, and accessible only by dizzy stairways. True, the extension into the bay in a measure required the levelling of hills, and so reduced the absurdity; on the other hand, this advance into the waters rendered worse a defective drainage system, so much so that, notwithstanding the change of levels, the health and convenience of the city would be seriously endangered but for the ruling west winds. This remedy, however, is nearly as bad as the disease, in the way of comfort at least.[51]

The errors and mishaps connected with San Francisco are greatly due to haste and overdoing. One half of the activity would have accomplished twice the result. Fortunes were spent in building hastily and inefficiently; seas were scoured for bargains when there were better ones at home; the Sierra was

[51] Several writers have commented on different features of the plan, which Player Frowd, *Six Months*, 23, terms 'a monument of the folly...to improve natural scenery.' Hubner, *Ramble*, 145-7, and Upton, in *Overland Mo.*, ii. 131, join with others in condemning the disregard for natural features. In the *Annals S. F.*, 160-1, was placed a protest against the monotony of the square, and the lack of public parks and gardens. The inequality of streets was the more striking when it is seen that the central streets, from east to west, were only 60 feet wide, while those south of Market, a comparative suburb, were over 80 feet, with variations in other quarters.

beaten for gold which flowed of its own accord to the door of the steady trader; a pittance set aside for land would have made rich the defeated wrestler with fortune. Anything, however, but to quietly wait; wealth must be obtained, and now, and that by rushing hither and thither in search of it, by scheming, struggling, and if needs be dying for it.

One bitter fruit of the improvident haste of the city-builders was early forthcoming in a series of disastrous conflagrations, which stamped San Francisco as one of the most combustible of cities, the houses being as inflammable as the temper of the inhabitants.[52]

[52] The first of the series took place early on Christmas eve, 1849, after one of those nights of revelry characterizing the flush days. It started in Denison's Exchange, in the midst of the gambling district, on the east side of the plaza, next to the Parker house, the flames being observed about 6 A. M., Dec. 24th. Premonitory warnings had been given in the burning of the Shades hotel in Jan. 1849, and the ship *Philadelphia* in June, as she was about to sail. *S. F. Directory*, 1852, 10. Although the weather was calm, the flames spread to the rear and sides among the tinder walls that filled the block, till the greater part of it presented a mass of flame. So scorching was the heat that houses on the opposite side of the street, and even beyond, threatened to ignite. Fortunately the idea occurred to cover them with blankets, which were kept freely saturated. One merchant paid one dollar a bucket for water to this end; others bespattered their walls with mud. Conspicuous among the fire fighters was David Broderick, a New York fireman now rising to political prominence. Buckets and blankets might have availed little, however, but for the prompt order to pull down and blow up a line of houses, and so cut off food for the flames. The greater part of the block between Washington and Clay streets and Kearny and Montgomery streets was destroyed, involving the loss of a million and a quarter of dollars. *Stanley's Speech*, 1854. Nearly 50 houses fell, all save a fringe on Clay and Montgomery sts, then perhaps the most important block in town. Bayard Taylor, who witnessed the fire, gives a detailed account in *Eldorado*, ii. 71–4. Upham, *Notes*, 266, and Neall, *Vig.*, MS., 14–15, add some incidents; and *Pac. News*, Dec. 25–29, 1849, Jan. 1, 1850, supplies among the journals some graphic versions. The Eldorado, Parker house, Denison's Exchange, U. S. coffee house, were among the noted resorts swept away. *Polynesian*, vi. 142; *Hunt's Mag.*, xxxi. 114. While the fire was still smouldering, its victims could be seen busily planning for new buildings. Within a few days many of the destroyed resorts had been replaced with structures better than their predecessors. Toward the end of Jan. 1850, not a vestige remained of the fire. Cornwall contracted to raise the Exchange within 15 days, or forfeit $500 for every day in excess of the term. He succeeded. *Williams' Rec.*, MS., 13.

The second great fire broke out on May 4, 1850, close to the former starting point, and swept away within seven hours the three blocks between Montgomery and Dupont sts, bounded by Jackson and Clay sts and the north and east sides of Portsmouth square, consuming 300 houses and other property, to the value of over four millions. Stanley, *Speech*, 1854, says $4,250,000; others have $3,000,000 to $4,000,000; *Pac. News*, May 4, 15, 1850, $5,000,000. One life was lost. *Larkin's Doc.*, vii. 205. Dubois' bank and Burgoyne & Co. s

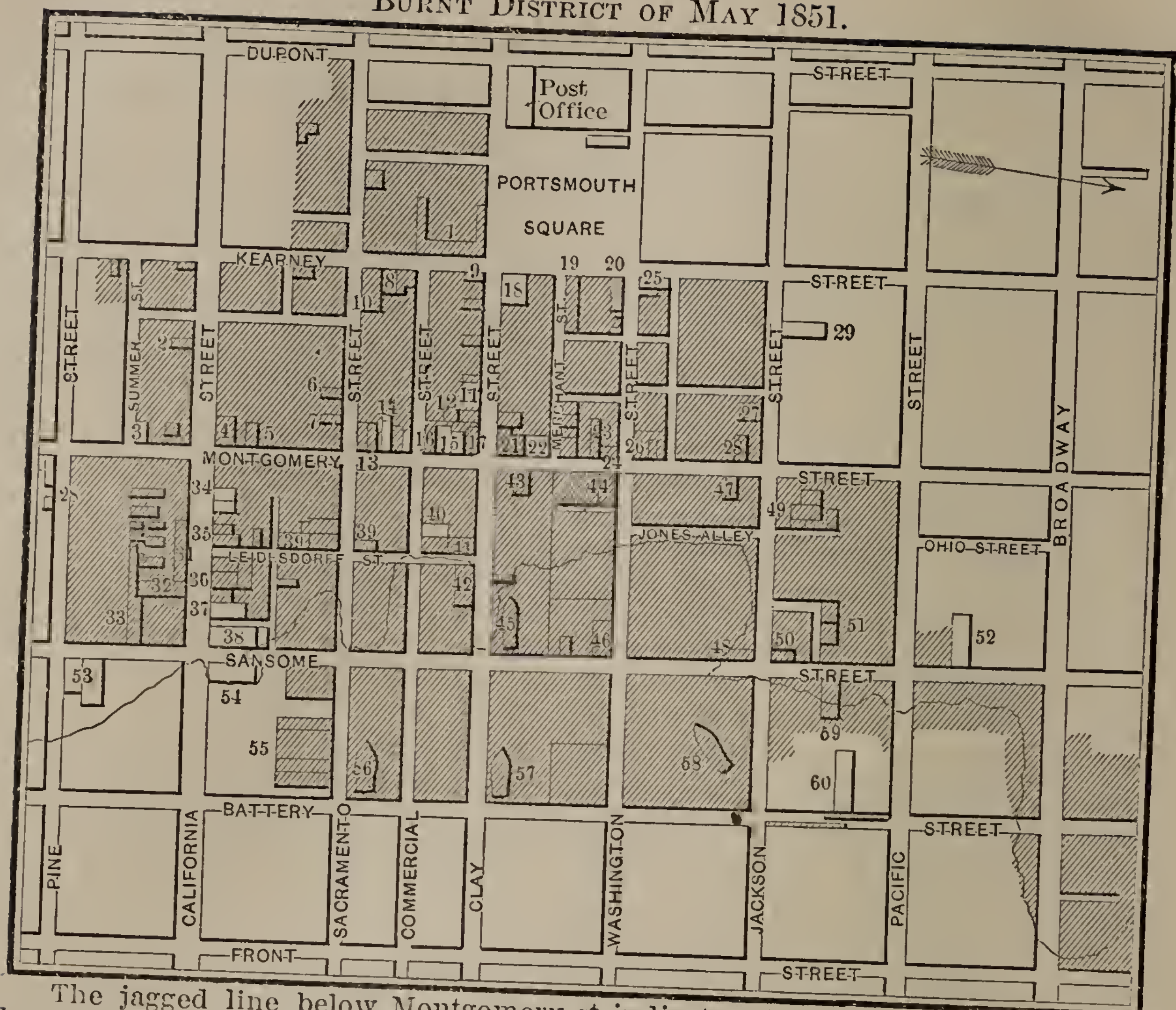
Such a succession of disasters might well have crushed any community, and croakers were not want-

house alone escaped in the Clay-st block; and northward only a row fringing Jackson above Montgomery st. *S. F. Directory*, 1852, 15. The flames were stayed, especially on Dupont st, by the voluntary tearing down of many buildings. *S. F. Annals*, 274, with diagram. Details in *Pac. News*, May 4-9, 1850; *Alta Cal.*, May 27, June 6, 1850. The conduct of certain criminals confirmed the belief in incendiarism, and a reward of $5,000 led to several arrests, but nothing could be proved. The fire started at 4 A. M., on May 4th, in the U. S. Exchange, a rickety gambling-place. In *S. F. Herald*, June 15, 1850, it is stated that 200 houses were burned, with a loss of three millions. As on the previous occasion, thousands of curious spectators gathered to the sound of the fire bells to add their clamor to the uproar. Appeals to the crowd for aid met with no hearty response, unless attended by money, as Taylor, *Eldorado*, 75, observed in Dec. 1849. A number were engaged at $3 an hour; $60 was paid for a cartload of water. *Shaw's Golden Dreams*, 179. A crowd of men who claimed to have assisted at the fire raised almost a riot on being refused compensation by the city council. This august body was profoundly moved, and ordinances were passed obliging all, under penalty, to render aid on such occasions when called upon. Precautionary measures were also adopted, and impulse was given to the development of the fire department started after the first calamity—such as digging wells, forming reservoirs, ordering every householder to keep six buckets of water prepared for emergencies, and the like. *Annals S. F.*, 276. It is claimed that in ten days more than half the burned district was rebuilt.

While the rebuilding of the burned district was still in progress, on June 14th, the alarm sounded once more near the old point of ignition, from the Sacramento house on the east side of Kearny st, between Clay and Sacramento. Cause, a defective stove-pipe, *S. F. Directory*, 1852, 16; in the kitchen, adds another, which the *Annals S. F.*, 277, ascribes to a baker's chimney in the rear of the Merchants' hotel. The fire started just before 8 A. M. Within a few hours the district between Clay and California sts, from Kearny st to the water-front, lay almost entirely in ashes, causing a loss of over three million dollars. Stanley, as above, has $3,500,000; the *Annals* nearly $5,000,000; the *Directory* $3,000,000, embracing 300 houses. Jas King of William s bank was torn down; many ships were in danger. *Cal. Courier*, July 16, 1850, etc. This fire led to the erection of more substantial buildings of brick, and some stone.

The fourth great conflagration, on September 17, 1850, started on Jackson street, and ravaged the greater part of the blocks between Dupont and Montgomery sts embraced by Washington and Pacific sts. The section was about equal to the preceding, but covered mostly by one-story wooden houses, so that the loss did not exceed half a million dollars—the *Annals* says between one quarter and one half million; yet Stanley has one million; 150 houses, and nearly half a million, according to *S. F. Directory*, 1852, 17 Details in *S. F. Picayune*, *S. F. Herald*, and *Cal. Courier*, of Sept 18, 1850, etc. In estimating values it must be considered that after 1849 material, labor, and method became cheaper and more effective year by year, so that the cost of replacing differed greatly from the original outlay. A scanty water supply and the lack of a directing head hampered the praiseworthy efforts of the fire companies. The fire began at 4 A. M. in the Philadelphia house, on the north side of Jackson st, between Dupont and Kearny, near Washington market. On October 31st a blaze on Clay-st hill consumed the City hospital, owned by Dr Peter Smith, and an adjoining building, where the fire began; loss, a quarter of a million; supposed incendiarism. It was marked by severe injury to several of the hospital inmates, before they could be rescued. *Cal. Courier*, Oct. 31, 1850. Less extensive but twice as costly was the blaze of Dec. 14th, on Sacramento street, which consumed several

BURNT DISTRICT OF MAY 1851.



The jagged line below Montgomery st indicates the extent of filled ground beyond the natural shore line. The larger portions even of the central blocks were covered by wooden buildings. The following list, referred to the plan by numbers, embraces nearly all the notable exceptions, occupied by a large proportion of the leading business firms. The fire consumed also most of the streets beyond the water line, which, being really wharves on piling, burned readily.

1. City Hotel, brick building
2. Fitzgerald, Bausch, Brewster, brick b.
3. Capt. Folsom, iron building, adjoining brick b. burned.
4. Custom-house, brick b.
5. Rising & Casili, brick and iron.
6. Cramer, Rambach, & Co., brick.
7. R. Wells & Co. banker, brick.
8. Treadwell & Co, brick.
9. J. Hahn & Co. brick.
10. Standard office, brick.
11. Johnson & Calfield, wooden b., adjoining brick b burned.
12. Moffatt s Laboratory. brick.
13. Quartermaster's office, brick.
14. Gildermeister. De Fremery, & Co. brick
15. U S. Assayer's office, Dodge's Express, F Argenti. banker, brick.
16. B Davidson, banker brick.
17. Wells & Co, bankers, brick.
18. California Exchange, brick.
19. Union Hotel brick
20. El Dorado. gambling-place, brick.
21. Tallant & Wilde bankers, Page, Bacon, & Co bankers, brick.
22. Gregory's Express, brick.
23. Delmonico's, brick, and three adjoining brick b burned
24. Burgoyne & Co., bankers, brick.
25. The Verandah. resort, brick.
26. Ev. Picayune, journal, brick.
27. 28. Brick buildings.
29. Markwald, Caspari. & Co., wooden b.
30. Berenhardt, Jacoby, & Co., Hellman & Bros, wooden b.
31. Pioche Bayerque, brick and iron, several iron b. in rear.
32. Bonded warehouse, iron.
33. Starkey, Janion, & Co., b'k and iron.
34. I. Naylor, Cooke Bros, brick.
35. Helman & Bro., brick.
36. Starr & Minturn, and others, 2 iron and 2 brick b.
37. Hastler, Baines, & Co., brick.
38. Jones' Hotel, wooden.
39. P M. Steam Navig. Co., brick.
40. W Gibb. brick.
41. Godeffroy, Sillem, & Co., brick.
42. Bonded warehouse, iron.
43. Herald office, brick.
44. Courier office, brick.
45. 'Niantic,' store ship.
46. Baldwin's Bank, iron.
47. J B. Bidleman, brick.
48. Cronise & Bertelot, iron.
49. Larco & Co., brick, iron adjoining.
50. Huerlin & Belcher, brick.
51. Balance office, brick.
52. Dewitt & Harrison, brick.
53. Macondray & Co., brick, iron, and wood.
54. Appraiser's office, iron.
55. Dunker and others, iron.
56. 'Apollo,' store ship.
57. 'Gen. Harrison,' store ship.
58. 'Georgean,' store ship
59. Cross & Co. iron.
60. Bonded stores, iron.

Besides the above, a score and more of b[illegible]k and iron buildings were destroyed.

ing to predict the doom of the city. Street preachers proclaimed the visitation to be a divine vengeance upon

iron buildings with valuable merchandise. It was below Montgomery st; loss about one million This shook the faith in corrugated iron walls. Details in *Pac. News*, and *S. F. Picayune*, of Dec. 15–16, 1850

Then followed an interval of fortunate exemption, and then with accumulated fury on the anniversary of the preceding largest conflagration, the culminating disaster burst upon the city. Started undoubtedly by incendiaries, the fire broke out late on May 3, 1851, on the south side of the plaza, in the upholstery and paint establishment of Baker and Messerve, just above Bryant's hotel, at 11 P. M., say most accounts; but Schenck, *Vig.*, MS., 45, has 9:20; yet it is called the fire of May 4th, partly because most of the destruction was then consummated. 'One of the gang headed by Jack Edwards,' was the cause of it, says Schenck. Aided by a strong north-west breeze, it leaped across Kearny st upon the oft-ravaged blocks, the flames chasing one another, first south-eastward, then, with the shifting wind, turning north and east. The spaces under the planking of the streets and sidewalks acted as funnels, which, sucking in the flames, carried them to sections seemingly secure, there to startle the unsuspecting occupants with a sudden outbreak all along the surface. Rising aloft, the whirling volumes seized upon either side, shrivelling the frame houses, and crumbling with their intense heat the stout walls of supposed fire-proof structures, crushing all within and without. The iron shutters, ere falling to melt in the furnace, expanded within the heat, cutting off escape, and roasting alive some of the inmates. Six men who had occupied the building of Taaffe and McCahill, at the corner of Sacramento and Montgomery, were lost; 12 others, fire fighters in Naglee's building, narrowly escaped; 3 were crushed by one falling wall; and how many more were killed and injured no one can say. The fire companies worked well, but their tiny streams of water were transformed into powerless vapor. More effectual than water was the pulling down and blowing up of buildings; but this proved effectual only in certain directions. Voluntary destruction went hand in hand with the inner devastation; the boom of explosion mingling with the cracking of timber, the crash of tumbling walls, and the dull detonation from falling roofs. A momentary darkening, then a gush of scintillating sparks, followed by fiery columns, which still rose, while the canopy of smoke sent their reflection for a hundred miles around, even to Monterey. It is related that the brilliant illumination in the moonless night attracted flocks of brant from the marshes, which, soaring to and fro above the flames, glistened like specks of burnished gold. *Helper's Land of Gold*, 144. Finally, after ten hours the flames abated, weakened by lack of ready materials, and checked on one side by the waters of the bay, where the wharves, broken into big gaps, interposed a shielding chasm for the shipping. Of the great city nothing remained save sparsely settled outskirts. All the business district between Pine and Pacific sts, from Kearny to Battery, on the water, presented a mass of ruins wherein only a few isolated houses still reared their blistered walls, besides small sections at each of its four corners. Westward and north-eastward additional inroads had been made, extending the devastation altogether over 22 blocks, not counting sections formed by alleys, and of these the greater number were utterly ravaged, as shown in the annexed plan. The number of destroyed houses has been variously estimated at from over 1,000 to nearly 2,000, involving a loss of nearly twelve million dollars, a sum larger than that for all the preceding great fires combined. Only 17 of the attacked buildings were saved, while more than twice that number of so-called fire-proof edifices succumbed. Schenck, *Vig.*, MS., 44–8, who had some painful experiences during the fire, places their number at 68, including the only two insured buildings, one, No. 41 on plan, a single story, with 22-inch brick walls, earth-covered, and having heavy iron shutters. The long application for insurance on this building was granted at Harlem, unknown to

the godless revellers and gamblers of this second Sodom; and rival towns declared a situation so exposed to constant winds could never be secure or desirable But it is not easy to uproot a metropolis once started; and Californians were not the men to despair Many of them had been several times stricken, losing their every dollar; but each time they rallied and renewed the fight. Reading a lesson in the blow, they resolved to take greater precautions, and while frail shelter[53] had temporarily to be erected, owing to the pressure of business and the demand for labor and material, it was soon replaced by substantial walls which should offer a check to future fires. If so many buildings supposed to be fire-proof had fallen, it was greatly owing to their being surrounded by combustible houses. This was remedied by the grad-

the owners, about the time of its destruction. The policy for the other house, No. 14 of plan, came at the same time. Insurance companies had not yet opened here. The Jenny Lind theatre fell. The principal houses as reported in *Alta Cal.*, the only unburned newspaper, were J. B. Bidleman, $200,000; E. Mickle & Co., $200,000; Dall, Austin, & Co., $150,000; Simonsfield, Bach, & Co., $150,000; Starkey Brothers, $150,000; De Boom, Vigneaux, & Co., $147,-000; Oppenheimer, Hirsch, & Co., $130,000; Kelsey, Smith, & Risley, $125,-000; Moore, Tichenor, & Co., $120,000; Treadwell & Co., $85,000; Thomas Maguire, $80,000; Adelsdorfer & Neustadter, $80,000; Fredenburg & Moses, $75,000; John Cowell, $70,000; J. L. Folsom, $65,000; W. D. M. Howard, $60,000; Baron Terlow, $60,000; Beck & Palmer, $55,000; J. & C. Grant, $55,000; Cross, Hobson, & Co., $55,000; Haight & Wadsworth, $55,000; W. O. Bokee, $50,000; Lazard Frères, $50,000; Annan, Lord, & Co., $50,000; Herzog & Rhine, $50,000; Nichols, Pierce, & Co., $50,000; S. Martin & Co., $50,000. In *Annals S. F.*, 331, it is estimated that from 1,500 to 2,000 houses were ruined, extending over 18 entire squares, with portions of five or six more, or three fourths of a mile from north to south, and one third of a mile east to west; damage moderately estimated at $10,000,000 to $12,000,-000. *S. F. Directory*, 1852, 18–19, assumes the loss at from $7,000,000 to $12,-000,000; Stanley, *Speech*, 1854, gives the latter figure. Dewitt and Harrison saved their building, *g* of plan, by pouring out 83,000 gallons of vinegar. *Schenck's Vig.*, MS., 48. Rescued effects were largely sent on board ships for storage; shelter in the outskirts was costly. Garniss, *Early Days*, MS., 19, paid $150 for the use of a tent for 10 days, and more was offered. Robber gangs carried off large quantities of goods, a portion to Goat Island, whence they were recovered, but effects to the value of $150,000 or $200,000 are supposed to have been carried away on a bark which had lain off the island. A govt vessel made a fruitless pursuit. In *Larkin's Doc.*, vii. 287–8, are other details. The store-ships *Niantic*, *Gen. Harrison*, and *Apollo* were wholly or partly destroyed. The offices of the *Public*, *Balance*, *Picayune*, *Standard*, and *Courier* were burned.

[53] Larkin, *Doc.*, vii. 287, writes on May 15th that 250 small houses were then rising, 75 already with tenants. Sansome st was much improved by filling.

ual exclusion of unsafe structures from within designated fire-limits, by the improvement of the fire department, and other precautions, all of which combined to preserve the city from similar wide-spread disasters. One more did come, to form the sixth and last in the great fire series; but this occurring in the following month, June 1851, was due partly to the flimsiness of the temporary buildings, and partly to the lack of time to establish preventive measures and weed out incendiary hordes. The ravaged district extended between Clay and Broadway streets, nearly to Sansome and Powell streets, covering ten entire blocks, and parts of six more, with about 450 houses, including the city hall, and involving a loss of two and a half million dollars.[54] Thus purified by misfortune, and by the weeding out of rookeries and much filth, the city rose more beautiful than ever from its ashes.[55] Hereafter it was admirably guarded by a fire department which from a feeble beginning in 1850 became one of the most efficient organizations of the kind in the world.[56]

[54] *Stanley's Speech*, 1854. *Annals S. F.*, 344, says $3,000,000; *S. F. Directory*, 1852, 19, over $2,000,000. The fire started in a dwelling on the north side of Pacific street, below Powell, at about 11 A. M., on June 22d. The Jenny Lind theatre fell again, together with the city hospital, the old adobe City hotel, the *Alta* office, which had hitherto escaped, the presbyterian church, etc. The city hall, formerly the Graham house, was a four-story wooden building, on the N. W. corner of Kearny and Pacific sts; the chief records were saved. Dunbar's bank escaped though surrounded by fire. *Sayward's Rem.*, MS., 30. Manager T. Maguire was burned out for the sixth time. Seven lives were lost, three by fire, the rest by the mob and police, as robbers and incendiaries, yet one was an honest man assisting his friends to save property. The fire companies were thwarted by lack of water, and by the opposition of owners to the pulling down of their buildings. *Alta Cal.*, Sept. 21, 1851, wails over the destruction of old landmarks. The progress of fire-proof buildings is shown in *S. F. Directory* of 1852, 16, which states that nearly all the west side of Montgomery street, between Sacramento and Washington, was lined by them. Their value was satisfactorily tested in Nov. 1852, when they restricted a dangerous fire on Merchant and Clay streets to 30 wooden buildings worth $100,000. For further details concerning the great fires of S. F., I refer to *S. J. Pioneer*, Feb. 16, 1878; *Farwell's MS.*, 4; *Annals S. F.*, passim; *S. F. Bull.*, Nov. 27, 1856; *Cal. Courier*, July 16, Sept. 18, 1850; *Williams' Pion. Past.*, 44–8; *Tiffany's Pocket Ex. Guide*, 124–6; *S. F. Call*, May 14, 1871; *S. F. Alta*, July 1, 1850; *S. F. Pac. News*, May 4, Dec. 16, 1850; *Polynesian*, vii. 6, 30.

[55] As commemorated by the phœnix on its seal.

[56] Before the fire of Dec. 24, 1849, there had been no serious occasion to drive the absorbed money-gatherers of the city to organized method for protec-

The mining excitement, with the consequent exodus of people, served to abate but partially the factious

tion against fire, and only three merchants had thought of introducing fire-engines, which were, indeed, of little value in an emergency. Starkey, Janion, & Co. owned one of them, the *Oahu*, which had been nearly worn out by long service in Honolulu; another was a small machine belonging to Wm Free, intended for a mining pump. The havoc made by the first great fire roused the people to the necessity for action, and assisted by experienced firemen like D. C. Broderick, F. D. Kohler, G. H. Hossefros, G. W. Green, W. McKibben, Ben. Ray, C. W. Cornell, J. A. McGlynn, Col Wason, Douglas, Short, and others, E. Otis organized the Independent Axe Company, the municipal authorities granting $800 for the purchase of hooks, axes, and other implements. *S. F. Minutes Legisl.*, 1849, 101, 106, 112, 116, 127–36; *Alta Cal.*, and *Pac. News*, Jan. 15, 17, 1850, etc. A hook and ladder company is also mentioned, also Mazeppa Fire Co., as well as payments and other acts by the fire committee. In January Kohler was appointed chief engineer by the council, at a salary of $6,000, with instructions to form a fire department, to which end he obtained the three engines in the city, and selected for each a company, Empire, Protection, and Eureka. No fire occurring for some time, the movement declined somewhat under absorbing business pursuits, so much so that the next disaster found scanty preparations to meet it, hose being especially deficient. After this the appeal to the public received greater attention, and in June 1850 the fire department was formally organized, with the Empire Engine Company No. 1, dating formally from June 4th, with D. C. Broderick as foreman, G. W. Green, assistant, W. McKibben, secretary, and including F. D. Kohler, C. W. Cornell, J. A. McGlynn, D. Scannell, C. T. Borneo, J. Donohue, C. P. Duane, L. P. Bowman, A. G. Russ. It selected 'Onward' for a motto, and formed in 1857 a target company of 125 muskets. Company 2 was the Protection, succeeded by the Lady Washington, and subsequently, in 1852, by the Manhattan. According to the *Alta Cal.* it was first organized informally by Ben. Ray in 1849. Both of these were composed chiefly of New York men, and represented the New York element in political and other contests. Company 3 was the Howard, formed June 14th by Boston men under guidance of F. E. R. Whitney, foreman, first chief of the later paid department. It was named in honor of W. H. M. Howard, who presented to it a Hunneman engine, just brought by his order, and which for a long time remained unsurpassed. Among the members were J. G. Eagan, T. K. Battelle, G. L. Cook. This was originally the Eureka, with Free's toy engine, which lost the claim to No. 1 by a few hours of delay in organizing. The fire of June 22d gave fresh impulse to organization, and on Sept. 7th the California, company 4, was formed, at first with an engine loaned by Cook Bros & Co., soon replaced by a mate to the Howard. The members, chiefly residents of Happy Valley, embraced M. G. Leonard, G. U. Shaw, W. N. Thompson, G. T. Oakes, G. Endicott, C. Hyatt, R. S. Lamott, and G. M. Garwood, foreman. Company 5 was the Knickerbocker, formed Oct. 17th, with a small wheezy engine nicknamed Two-and-a-half and Yankee Doodle. Foreman J. H. Cutter, with J. Wilson, C. E. Buckingham, R. R. Harris. Earlier than these two were the Monumental 6, 7, 8, which organized in June as independent companies, joining the department only in Sept., and so receiving a later number. It was composed of Baltimore men, with a mixture of Philadelphians, who sported three small engines, Mechanical, Union, and Franklin. Among the members were G. H. Hossefros, long foreman and subsequently chief, W. Divier, J. S. Weathred, J. Capprise, R. B. Hampton, W. H. Silverthorn, J. H. Ruddock, R. H. Bennett, W. L. Bromley, and W. Lippincott. Soon after resigning No. 8 the companies consolidated into No. 6, in 1854, with an improved engine, followed in 1861 by the first steam fire-engine in the city. No. 7 was filled by the Volunteer, and No. 8 by the Pacific. Earlier than these two, in 1822, were the Vigilant and Crescent, chiefly

spirit roused by personal feelings and business rivalry, and strengthened by an irritating subordination to military power. But it fully revived with the return of population from the mines, and in December 1848 a new council was chosen.[57] The result was far from pleasing to the old body, which, rallying its partisans, declared the election nullified by illegal votes, and held another in January.[58] To this

of New Orleans men; Columbian and Pennsylvanian, of Philadelphians, including the later Mayor Alvord. In 1854–55 followed the Young American and Tiger, Nos. 13, 14, the former at the mission, the latter on Second st.

In early days, when hose and water were scanty, the chief work fell on the hook and ladder companies, of which the department in June 1850 counted three, the St Francis, composed of E. V. Joice, S. H. Ward, C. P. Duane, W. A Woodruff, G. B. Gibbs, B. G. Davis, J. C. Palmer, foreman, and others; the Howard, succeeded by Lafayette, which consisted of Frenchmen, with a Parisian system and a uniform granted by Napoleon; the Sansome, sustained chiefly by rich business men. A. De Witt, F. Mahoncy, C. L. Case, E. A. Ebbets, J. L. Van Bokkelen, G. A. Hudson, W. Adrain, H. A. Harrison, W. H. Hoffman, W. Greene, F. A Bartlett, R. L. Van Brunt, were among the members. Green, Ebbets, and Van Bokkelen were the first foremen. Some years later hose companies were added, making up the 20 companies called for by the legislative regulation of 1851. The department charter is dated July 1, 1850. Kohler, elected chief in Sept. 1850, was succeeded in the following year by Whitney, of the Baltimore faction. He resigning, Hossefros of the Philadelphians held the position till 1853, when Duane entered. In May 1852 a board of firewardens was formed. The records of the department were lost in the fire of May 1851. A benevolent fund was then begun, which by 1855 amounted to $32,000 and grew to $100,000. For details, see *Alta Cal.*, June 14, July 1, etc., 1850; Nov. 16, 1866; and scattered numbers of intermediate years; also *Pac. News*, Oct. 18, 1850, etc.; *Cal. Courier*, Sept. 25, 1850; and *S. F. Herald*, June 17, 1850, etc; *S F. Bulletin*, Dec. 3, 1866; *S. F. Chronicle*, Nov. 11, 1877; *S J. Pioneer*, May 25, 1878; *S. F. Call*, Apr. 14, 1878; *Annals S. F.*, 614–25; and *S F Directories*, that of 1852, enumerates 14 companies, whereof 2 are for hook and ladder; No 4 was situated as far east as Battery, No. 9 on Stockton, near Broadway, the rest more central. The formation of companies, each as much as possible composed of men hailing from the same eastern town, led to clannishness and rivalry, which in a measure was stimulating and useful, but also detrimental in leading to extravagance, political strife, and even bloody affrays. They shared in military exploits, and in August 1850 one company started for Sacramento to suppress the land squatters. They vied with one another in elaborately fitting and decorating their fire stations. The Sansome company's station furniture alone cost $5,000, and had a library. While they merged finally at the close of 1869 into a paid department, their noble devotion in emergencies must ever be commended, leaving as they did business, pleasure, sleep, and comfort to voluntarily face toil and danger for the common good.

[57] By a vote of 347 on Dec. 27th. Members, John Townsend, president, S C. Harris, W. D. M. Howard, G C. Hubbard, R. A. Parker, T. J Roach, I. Sirrine, numbering now seven, as resolved. *Star and Cal.*, Dec. 16, 1848, etc. For earlier members, see preceding vol. v.; *Californian*, Oct. 7, 14, 1848, etc.; *Frignet, Cal.*, 122.

[58] On the 15th, Harris and Sirrine were reëlected, the latter becoming president. The other members were L. Everhart, S. A. Wright, D. Starks, I. Montgomery, and C. E. Wetmore. The election for delegates during the

new corporation it transferred its authority, regardless of protests, and of the December council, which sought to assert itself. The opportunity was eagerly seized by disappointed aspirants to air their eloquence upon public rights and the danger of anarchy, and to assist in conjuring up a more exalted municipal power for the district in the form of a legislative assembly of fifteen members, together with three justices of the peace.[59] Their election, on February 21st,

preceding week tended to lower public interest in the event, and a much smaller vote was polled than before. The *Alta Cal.*, Jan. 25, 1849, accordingly considers it void.

[59] The justices were Myron Norton, T. R. Per Lee, both officers of Stevenson's regt, and W. M. Stewart; the members, T. A. Wright, A. J. Ellis, H. A. Harrison, G. C. Hubbard, G. Hyde, I. Montgomery, W. M. Smith, A. J. Grayson, J. Creighton, R. A. Parker, T. J. Roach, W. F. Swasey, T. H. Green, F. J. Lippett, and G. F. Lemon. *U. S. Gov. Doc.*, Cong. 31, Sess. 1, H. Ex. Doc., 17, 730, with text of resolutions at the decisive meeting on Feb. 12th, reported also in *Alta Cal.*, Feb. 15, 1849. The plan of the organization was presented by G. Hyde, formerly alcalde, who in his *Stat.*, MS., 10-12, points out that only a few of the members obtained less than 400 out of the 602 votes cast. *Placer Times*, May 12, 1849, etc. According to McGowan, A. A. Green of the Stevenson regt gave a start to the meetings which created the legislative assembly. *S. F. Post*, Nov. 23, 1878. Ryan, *Pers. Adv.*, ii. 250-2, calls this faction the democratic, Leavenworth heading the aristocratic land-grabbers. The assembly met on March 5th at the public institute, *Dwinelle's Col. Hist.*, 106, doc. iv., although business began only on Mar. 12th; Lippett was appointed speaker; J. Code, sergeant-at-arms; E. Gilbert, printer; F. Ward, treasurer, later J. S. Owens; J. Hyde, district attorney; I. H. Ackerman, clerk, succeeded by A. A. Green and A. Roane. For rules, acts, and committee appointments, see *S. F. Minutes Legisl.*, 5-46. Owing to the frequent absence of members and lack of quorum, their number was increased by ten, elected on May 11th, whereof W. A. and E. G. Buffum, A. A. Green, Theo. Smith, C. R. V. Lee, S. McGerry, and J. M. Huxley, took their seat on the 14th, Burke and P. H. Burnett subsequently. The proportion of Stevenson's soldiers in the body was large. For biographies, see preceding vols. An early measure was to forbid the sale of lots or other city property, which served to rally a host to the support of Alcalde Leavenworth, including the displaced council members. Loud charges had been made against the alcalde for lavish grants of land, and in such a manner as to permit its accumulation by monopolists for speculation, also for maleadministration. *Hyde's Statm.*, MS., 13; *Alta Cal.*, Mar. 29, 1849. This attitude led the assembly on March 22d to decree the abolition of the alcaldeship and the offices depending upon it, Norton, as the first justice of the peace, being appointed to fill the vacancy under the title of police magistrate, J. C. Pullis being shortly after elected sheriff to assist him. The appeal of the assembly to Gen. Smith for support proved futile. He sustained the alcalde. Greater impression was made upon Gen. Riley, who at this time entered as military governor. Less prudent and firm, he lent his ear first to one side and suspended Leavenworth on May 6th, then the old council of 1848 assisted in obtaining his reinstatement on June 1st; and notwithstanding repeated resignations he retained the alcaldeship. Correspondence in *U. S. Gov. Doc.*, as above, 733-6, 758-60, 771; *Placer Times*, June 2, 1844. He was inefficient, says Hawley, *Stat.*, MS., 9. Even Commodore Jones writes, June 29th, that he was very obnoxious to the people. *Unbound Doc.*, 55, 66, 228, 319-20.

brought to the front a very respectable body of men, full of reform projects, but regarding the innovation as unauthorized by still prevailing laws, the governor would not accord them any active interference with the alcalde, who stood arrayed himself with their opponents, the land monopolists. And so the city continued to be afflicted with practically two governments, which maintained a sharp cross-fire of contradictory enactments and charges until June, when the governor's proclamation for a constitutional convention, and for the election of provisional local officers throughout the country, caused the assembly to abandon the field to the alcalde. They retired with honor; for viewed by the light of subsequent corruption, even their deficiencies are bright with the lustre of earnest efforts.

One result of the political discord was to give opportunity for lawlessness. The riffraff of the disbanded regiment of New York Volunteers had lately formed an association for coöperation in benevolence and crime, under the not inappropriate title of the Hounds, with headquarters in a tent bearing the no less dubious appellation of Tammany Hall, after the

Backed by Burnett the assembly protested vigorously, and in a proclamation to the city set forth the illegality of military interference. *Burnett's Recoll.*, MS., ii. 61-87; *Alta Cal.*, June 14, 1849. Acting accordingly, they sent the sheriff to forcibly seize the records in the alcalde's possession. Ryan, *Pers. Adv.*, ii. 252-4, gives a graphic account of the pistol flourishing on the occasion. *Buffum's Six Months*, 117-19. Appalled at such insolence, Riley denounced the legislature as a usurping body, and called wildly upon all good citizens to aid in restoring the records. *U. S. Gov. Doc.*, ubi sup., 773-4. Simultaneously, June 3d, appeared the proclamation for a convention, and for local elections throughout the country, an order so far delayed in the vain hope that congress would provide a civil government. This election pretending the speedy extinction of the assembly, the members, with hopes centred in the next balloting, resolved to yield; yet not until after a deferential appeal to the public, which responded on July 9th by a vote of confidence so meagre as to be chilling. The smallness of the vote, 167 for their continuance, 7 against, was due to the departure of supporters for the mines, says Green, *Stat.*, MS., 24; *Alta Cal.*, July 12, 17, 1849. Willey, *Pers. Mem.*, 127-8, assumes that Riley terrified them. Their minutes cease on June 4th, the date of Riley's proclamation against them. Green naturally extols the honesty of his associates; he claims to have refused a land bribe from Leavenworth for himself and his monopoly friends on introducing the bill for abolishing the alcaldeship. Findla, *Stat.*, MS., 9-10, also speaks of them as 'respectable men.' *Price's Sketch*, MS., 111.

noted eastern hot-bed of that name.[60] It is but natural that this graceless set of idlers should, through lack of manly incentive, drift into political agitation, and that the original military aim of their late regiment should degenerate into race antipathy and rioting. Drunkenness and brawl, displayed in noisy processions with drum and fife and streaming banners, led to swaggering insolence and intimidation, which found a seemingly safe vent against the Hispano-Americans. Once the robber instinct was aroused by the more disreputable, it was not long before a glittering vista opened a wider sphere.

The unsavory name of Hounds was changed to Regulators; and under pretence of watching over public security and rights, the vagabonds intruded themselves in every direction, especially upon the exposed and defenceless; and they boldly demanded contributions of the merchants in support of their self-assumed mission. Strength of numbers and arms and significant threats increased, until terrorism stalked undisguised. Finally, on July 15, 1849, under inspiriting stimulants, they ventured to make an attack in force upon the Chileno quarter, at the foot of Telegraph hill, with the avowed object of driving out the hated foreigners, and despoiling them. Not knowing what next might follow, the alarmed citzens united for action. Four companies formed, with a huge special police detachment, and the town was scoured in pursuit of the now scattering band. A score were arrested, and by the prompt application of fine and imprisonment the rest were awed into submission.[61]

The election of August 1, 1849, restored the ayuntamiento and prefect system, while giving the city the increased number of twelve councilmen,[62] under the

[60] Of New York. The tent stood on Kearny st, where Commercial st now abuts

[61] The history of the band and outbreak is fully related in my *Popular Tribunals*, i. 76 et seq.

[62] T. H. Green, H. A. Harrison, A. J. Ellis, S. C. Harris, T. B. Winston, J. Townsend, R. M. Price, W. H. Davis, B. Simmons, S. Brannan, W. M.

presidency of John W. Geary, the lately arrived postmaster of the city,[63] who responded to the unanimous confidence bestowed upon him by displaying great zeal for the welfare of the city. Horace Hawes, the prefect, was an able lawyer, but with a somewhat fiery temperament that soon brought about a conflict with his colleagues.[64] Acting upon the suggestions of their leader,[65] the council issued a revenue ordinance, de-

Stewart, G. B. Post, in the order of popularity as indicated by votes obtained. Four had belonged to the assembly, and two to the council which it superceded. Frank Turk, second alcalde, acted for a long time as secretary to the new council; the subprefects for the districts were F. Guerrerro and J. R. Curtis. Alcalde Geary obtained the entire vote of 1,516, while Prefect Hawes polled only 913. The three highest votes for councilmen were carried by late assembly members. There were nearly a dozen tickets in the field.

[63] Geary was born in Westmoreland Co., Pa. After his father's death, he taught school, supporting his mother, and paying off his father's indebtedness. He next went to Pittsburg and entered into mercantile pursuits, which proved uncongenial. Meanwhile he studied assiduously, displaying a marked taste for mathematics, and became a civil engineer and railroad superintendent. When the war with Mexico broke out, he joined the 2d Pa. Vols., rose to the rank of col, was wounded at Chapultepec, and appointed commander of the citadel after the city fell. He was appointed postmaster of S. F. on Jan. 22, 1849, with a certain control over postal matters on the Pacific coast. With his family he reached S. F. on the *Oregon* on Apr. 1st. His administration was one of marked efficiency. Learning that Prest. Taylor had appointed a successor, Geary turned the office over to Col Bryan. At this time he sent his family back to Pa., and became a member of the auction and commission house of Geary, Van Voorhees, and Sutton.

[64] Biography in *Hist. Cal.*, iii., this series.

[65] Geary in his inaugural address pointed out the lack of public buildings, and funds and measures for security, and recommended a tax, not alone on real estate and auction sales, but on licenses for traders, in proportion to the goods vended, for conveyances by land and water, and for gambling; the latter as an inevitable evil being thus placed under salutary control. An inventory should be made of public documents and mutilations noted. Records were subsequently sought at Monterey. Hawes dwelt upon the necessity for measures conducive to prospective greatness of the city without making any special suggestions. *S. F. Minutes*, 1849, 221-4; *Annals S. F.*, 230-1. He took the oath on Aug. 11th. The council met, from Aug. 6th, on an average twice a week. Their proceedings, with committee distributions, etc., are recorded in *S. F. Minutes*, 1849, 47 et seq. The attendance fell off to such a degree that the quorum had to be reduced to four by the close of the year. Rules for their guidance in general were sent in by the governor. *U. S. Gov. Doc.*, Cong. 31, Sess. 1, H. Ex. Doc., 17, 775-6. Among appointed officials were J. Code, sergeant-at-arms, W. M. Eddy, surveyor, P. C. Lander, collector, A. C. Peachy, attorney, S. C. Simmons, controller, Ben. Burgoyne, treasurer, succeeded in Dec. by G. Meredith; P. C. Lander, tax collector, J. R. Palmer, physician, subsequently Stivers and Thorp, S. R. Gerry became health officer in Dec., J. E. Townes, sheriff, in Dec. appointed coroner. N. R. Davis, street commissioner, subsequently J. J. Arentrue, in Dec., J. Gallagher, inspector of liquors. Turk, second alcalde and acting secretary, took a seat in the council and was in Dec. replaced as secretary by H. L. Dodge. F. D. Kohler has been mentioned as chief fire-engineer. Under the prefecture were appointed P. A. Brinsmade, subprefect, in Dec., vice Curtis, F. P.

pending chiefly on the sale of real estate and merchandise, and on licenses for trading,[66] the latter of a hasty and disproportionate nature. Not deeming this sufficient to cover their teeming plans, notably for city hall, hospital, and public wharves, they prepared for a large sale of water lots, which were coming into eager demand. The first available money was applied to the purchase of a prison brig[67] and shackles for chain-gangs; the police force was placed on a regular and more efficient footing;[68] fire-engines were ordered; and strenuous efforts made to improve the streets, so as to prevent a repetition of the previous winter's mishaps,[69] yet the following season proved comparatively

Tracy, justice of the peace at the mission, W. B. Almond, judge of first instance with civil jurisdiction only, Hall McAllister, attorney, pay $2,000, both from Oct. 1st, F. Billings, commissioner of deeds, A. H. Flint, surveyor; also a host of notaries public. See *Id.*, 756–840, passim; *Unbound Doc.*, 224, 323–9, etc.; *Brown's Stat.*, MS., 16; *Merrill's Stat.*, MS., 5–6; *Arch. Mont.*, xiv. 18; *Cal. Miscel.*, ix. pt. i. 77; *Alta Cal.*, *Pac. News*, Dec. 13, 1849, etc.; *Gillespie's Vig.*, MS., 6; *Hyde's Stat.*, MS., 12; *Miscel.*, MS., 3.

[66] On Aug. 27th. The prefect presumed to veto this ordinance, on the ground of the disproportionate nature of the imposts which pressed excessively upon labor and on men with limited means, a dealer with a capital of $150,000, for instance, paying $400 only, while a small trader with $1,000 was required to pay $300. He also considered the revenue called for in excess of requirement, and demanded details for expenditure, which should be proportioned to the measures most needed, especially protection. The ordinance was also contrary to law in defining new misdemeanors and extending the jurisdiction of the alcalde. *S. F. Minutes*, 1849, 224–7. The ardor of this champion of the oppressed was somewhat damped by the reminder that the veto power belonged to the governor, to whom he might report any objections against the council. The governor offered $10,000 toward the formation of a jail and court-house.

[67] *Euphemia*, anchored near the corner of Jackson and Battery sts. A calaboose existed, but so poor and insufficient as to induce the former assembly to rent a room for a jail. *S. F. Minutes*, 1849, 10, 40, 142. The brig was soon overcrowded. *Alta Cal.*, Aug. 4, 1850; *Cal. Courier*, July 16, 1850. A regular allowance was made for the chain-gang overseer, whose task promoted much public work. A regular jail was erected on Broadway in 1851. *Id.*, Sept. 30, 1851.

[68] Under the direction of Malachi Fallon, as captain, chosen Aug. 13th, assisted by Major Beck and by a force which from 30 men increased to 50 by Feb. 1850, and by the following year to 75. The pay had also risen from $6 to $8 a day, with $2 extra for the 5 captains. It was then proposed to reduce the force to 46 men and 4 captains at $150 and $200 a month. *Ib.* Gold and silver badges were ordered for the first chief and his men; a station was assigned to each of the 4 wards. See *S. F. Minutes*, 1849, 52–3, 79, 90–1, 102, 161, 167; *S. F. Herald*, July 12, 1850; *Schenck's Vig.*, MS., 22. Fallon was chosen city marshal by the democrats in 1850. *S. F. Times*, Jan. 12, 1867. Fallon had served in the New York force. Fifty-eight names on his force in *S. F. Directory*, 1850, 123–4.

[69] A street commissioner received $500 a month, and a superintendent of public repairs $600. Teams were bought by the city for clearing streets.

dry Several sums were assigned for starting wharves on Market, California, and Pacific streets, which in course of two years absorbed over $300,000.[70] The proposed hospital dwindled to a contract with Peter Smith, which proved a costly bargain for the city,[71] and to allowances to the state marine hospital and subsequently to a brig for housing insane people.

So far the plans of the city-builders had not brought forth any public work of a striking character, save in street improvements; but this shortcoming redounds to their credit, for at the close of the year they left a surplus in the treasury.[72] Far different was the record of the following councils. By the election of January 8, 1850, Alcalde Geary and half of his colleagues were confirmed in position by more than double the preceding vote. The rest were new men,[73] who assisted, not alone in laying the foundation for a fast-growing debt, but in reducing the resources of the city by hurried

Although citizens paid two thirds of the cost of grading and planking from their own pockets, as the grand jury points out, *S. F. Herald*, Sept. 30, 1851, yet large sums were continually appropriated by the authorities to this end, $100,000, on Jan. 1850, alone. *S. F. Minutes*, 1849-50, 124; *Williams' Stat.*, MS., 13. The comptroller shows an expenditure for streets and landings, exclusive of wharves, from Aug. 1849 to Feb. 1851, of $471,282. *Alta Cal.*, Apr. 27, 1851.

[70] *Ib.* $400,000 was appropriated for these wharves, Jan. 7, 18, 1850, although evidently not all paid over. *Id.*, 112-14, 123-4.

[71] The plans proposed in the council included a building with a city hall. The Waverly house was subsequently bought for $20,000, but destroyed by fire. In Jan. 1850 the hospital bill amounted to $6,600, in April Smith demanded $13,000. This hospital was burned in Sept. 1850. Up to May 1851, over $200,026 had been expended for hospital purposes. *Alta Cal.*, Apr. 27, 1851. To the state marine hospital, provided for in 1850 and opened in Dec., *Pac. News*, Dec. 27, 1850, *Cal. Statutes*, 1850, 164, 343, was assigned $30,000, while its expenses were $70,000, for 97 city and 17 state patients. In 1851 a contract was concluded for the care of the city at $2,500 a month. An insufficient allowance was then made to the brig at North Beach for the reception of the insane. In 1850 pauper burials were arranged for at $35 each. *S. F. Minutes*, 1849-50, 68, 79-82, 98, 129-30, 138, 200; *S. F. Herald*, Sept. 30, 1851. Smith's claims will be treated of later.

[72] Of $40,000, and no bad blot upon their public character.

[73] Geary received the largest vote, being 3,425. Turk figures again as second alcalde. Green, Brannan, Ellis, Stewart, Davis, were the reëlected councilmen. J. S. Graham, F. Tilford, M. Crooks, A. M. Van Nostrand, H. C. Murray, F. C. Gray, and J. Hagan completed the number. They met Jan. 11th and formed into committees. Dodge was retained as clerk. A. A. Selover was chosen city auctioneer. *S. F. Minutes*, 1850, 115 et seq.; *Pac. News*, Feb. 1850, etc. Despite the rain the election was exciting, though orderly. *Upham's Notes*, 268-71.

sales of lots, wherein they were charged with secret participation to their own advantage.[74] The tirade begun against them by Prefect Hawes was cut short by the election on May 1st of new city officials, under the charter framed in February. By this the Spanish form of government was replaced by the American one of a common council with two boards of aldermen, each of eight members, under a mayor.[75] The county was also organized by an election on

[74]After a sale of water lots in Jan. 1850 yielding $635,000, another sale was announced for March. Prefect Hawes, who had been putting some very nettling questions to the ayuntamiento concerning disbursements and men voting for them, sounded the alarm and induced the governor to issue a prohibit. This the councilmen resolved to disregard, whereupon Hawes charged them with intended spoliation, and pointed out that some were suspiciously preparing to leave the country. The prohibit was affirmed with the threat to file a bill in chancery against the ayuntamiento, which now yielded in so far as to postpone the sale until April. 'The enemy have fled,' cries Attorney-general Kewen; 'they have exposed the character of the beast that paraded so ostentatiously in the lion's skin.' Correspondence in *S. F. Minutes*, 1850, 230-7. But they were merely gaining time to persuade the governor to repeal the prohibit by exhibiting their accounts and estimates, and showing the need of money for city improvements. This achieved, they retaliated upon the obnoxious prefect, by charging him with appropriation of funds, notably $2,500 for alleged services rendered against the Hounds, and with permitting Justice Colton to sell district and city lands chiefly for Hawes' own advantage. The result was a boomerang in the shape of an order suspending the prefect. Emphatic denials being of no avail, his wrath now concentrated against the governor in a series of charges before the legislature, for violating the laws and suspiciously conniving with the corrupt council. In this he was supported by the subprefect, Brinsmade, appointed to replace him. *Pac. News*, Jan. 1, 1850, et seq.

[75]As passed by the legislature on Apr. 15, 1850, the charter in 4 arts. and 45 ¶, assigns as boundaries to the city of San Francisco, on the south, a line parallel to Clay st two miles from Portsmouth square; on the west, a line parallel to Kearny st one and a half miles from the square; on the north and east, the county limits. The government is vested in a mayor, recorder, and a common council of a board composed of aldermen and a board of assistant aldermen, each board to consist of one member from each of the eight wards, to be designated by the council. There shall also be elected a treasurer, comptroller, street commissioner, collector of taxes, marshal, city attorney, and by each ward two assessors. Voters and candidates must show a residence in the city and wards concerned of 30 days preceding the general city election, which is to be held on the fourth Monday of April in each year. For duties, bonds, etc., see *Cal. Statutes*, 1850, 223-9; and compare with the briefer draft by the framers, in *S. F. Minutes*, 1850, 144-9. In Oct. 1848 the city council had assigned for city limits a line along Guadalupe creek to the ocean. *Californian*, Oct. 14, 1848; and see my *Hist. Cal.*, v., this series. Regulations for the council in *S. F. Manual*, p. ix.-xvi. This charter did not last long. The boundary of the county, as defined in *Cal. Laws*, 1850, 829, ran along San Francisquito creek westward into the ocean, three miles out, and in the bay to within three miles of high-water mark in Contra Costa county, including the entire peninsula, and Alcatraz and Yerba Buena or Goat islands, as well as the Farallones. See also *Cal. Jour. Sen.*, 1850, 1307; *Id., House*, 1344.

April 1st of sheriff, county clerk, and nine other officials, at San Francisco, so that the city became the seat of two governments.[76] The contest for the shrievalty was one of the most exciting on record, with lavish generosity on one side, and enthusiastic display of bands and banners on the other; but the fame of John C. Hays as a Texan ranger, and his opportune exhibitions of dash and horsemanship, captured the populace.[77]

The new city government headed once more by Geary as mayor,[78] with almost entirely new associates, met on May 9th, inaugurating at the same time the new city hall, lately the Graham house, a four-story wooden edifice lined on two sides by continuous balconies.[79] The leading trait of these men was quickly

[76] The chosen ones were John C. Hays, sheriff, R. N. Morrison, county judge, J. A. McGlynn, recorder, W. M. Eddy, surveyor, J. W. Endicott, treas., D. M. Chauncey, assessor, E. Gallagher, coroner, T. J. Smith, co. att'y, C. Benham, dist att'y, J. E. Addison, co. clerk, E. H. Tharp, clerk of the sup. ct.

[77] He was selected by the people as an independent candidate. His career is given in *Hist. North Mex. Statesand Texas*, ii., this series. His opponents were J. Townes, a whig who was appointed to the post in 1849, and J. J. Bryant, democratic nominee, and a man of wealth, owner of Bryant's hotel. The latter was the only real rival. *Pioneer Arch.*, 29–31.

[78] His associates were F. Tilford, recorder, T. H. Holt, att'y, C. G. Scott, treas., B. L. Berry, comptroller, W. M. Irwin, collector, D. McCarthy, street com., M. Fallon, marshal. The aldermen were Wm Green, president, C. Minturn, F. W. Macondray, D. Gillespie, A. A. Selover, W. M. Burgoyne, C. W. Stuart, M. L. Mott; assistant aldermen, A. Bartol, president, C. T. Botts, W. Sharron, J. Maynard, J. P. Van Ness, L. T. Wilson, A. Morris, W. Corbett. Aldermen Burgoyne and Macondray not taking their seat were replaced by M. G. Leonard and J. Middleton, and assistant aldermen Botts and Maynard, by G. W. Green and J. Grant. For assessors, clerks, court officials, police, pilots, men under J. Hagen, harbor-master, etc., see *S. F. Directory*, 1850, 122–9; *S. F. Annals*, 272–3; *Alta Cal.* and *Pac. News*, Apr. 26–May 21, 1850, with comments. On ward division, *Id.*, Dec. 14, 1850; *S. F. Herald*, June 6, 1850, etc.; *S. F. Municipal Repts*, 1859, 177–9; *S. F. Picayune*, Oct. 5, 8, Nov. 2, 1850; *Cal. Courier*, Aug. 12, 1850. T. Green claims to have abstained from contesting the mayoralty out of sympathy for Geary.

[79] It stood on the north-west corner of Kearny and Pacific sts, fronting 100 feet on Kearny st, with a depth of 64 feet. The commodious yard contained two wells and several outhouses. The roof was metallic. This was offered by Graham, member of the council in April 1850, to his associates and bought by them on Apr. 1st, for $150,000, less $50,000 in exchange for the lately purchased town hall on Stockton st. Tired of drifting between the narrow confines of the public institute and the old adobe custom-house on the west side of the plaza, the preceding council had bought the American hotel on Stockton st, near Broadway, evidently to promote the lot speculations of certain members. Thither the council removed on the 18th of March, but the order for other officials to follow the example was vigorously objected to, on the ground that

manifested in their greed for spoils, to which end a heavier schedule of taxes was projected, with a correspondingly increased number of drainage holes, more or less cunningly concealed. Not content with the reward that must imperceptibly flow into their pockets from this effort, they hastened to anticipate a portion by voting a salary of $6,000 to each alderman of the two boards, after assigning a propitiatory $10,000 to the mayor and some of his chief aids. Geary refused to participate in the scheme; and encouraged by his attitude, the public loudly protested against such brazen spoliation of an already burdened city. The council thereupon dropped its demands[80] to $4,000 which would have given them, had not the measure been vetoed, about a hundred dollars for each of the evenings devoted by the average member to the common weal. They sought solace, however, for their lacerated feelings, by voting themselves gold medals of sufficient size to impress an ungrateful public with the arduous services thereby commemorated.[81]

With such and other glaring diversions of public funds it can readily be conceived what the secret pil-

the hall was too remote from business centres. Nor did the offer to rent offices therein find favor. And so the present purchase was made; a bargain it was loudly claimed, for the two upper stories, with 36 rooms, besides others on the second floor, could be rented for perhaps $62,400, while the saving in rents by the scattered public offices, stations, and courts would amount to $70,000. To build a hall according to the adopted plan would cost $300,000, and require perhaps a year's delay, neither of which the city could afford. Report in *S. F. Minutes*, 1850, 191-4. Descriptions in *S. F. Herald*, Feb. 19, 1851; *Pac. News*, May 17, 1850, etc. The report may be taken with due allowance, however, for changes and repairs increased the cost of the building. *Unbound Doc.*, 58. On July 4, 1850, the plaza was adorned with a faultless new liberty pole, 120 feet long, presented by Portland city. *S. F. Herald*, July 4, 1850. The old pole was burned with the custom-house, corner of Montgomery and California sts, in May 1851. *S. F. Annals*, 282.

[80] Several public meetings were held, and a first committee of 25 being ignored, another of 500 was chosen to impress the aldermen. *S. F. Herald*, June 12, 1856, etc.; *Pac. News*, May 3, 1850, etc. Just then came a large fire to divert attention, and subsequent demonstrations proved less imposing. The mayor vetoed the $4,000, on the ground that it would also injure the credit of the city. *Alta Cal.*, May 27, 1850, etc. The charter of 1851 allowed no pay.

[81] Even here a prying curiosity, coupled with impertinent sarcasm, so far disturbed the composure of the aldermen that they cast the medals into the melting-pot, as the nearest pit of oblivion, although too late. The *S. F. Annals*, 306, understands that the scheme was mainly due to a sub-committee. *Cal. Courier*, Dec. 14, 21, 1850.

fering and rifling must have been, when it is shown that the expenditure for the nineteen months following August 1, 1849, amounted to more than two million dollars, of which more than one fourth was during the last three months.[82] This absorbed not only a liberal tax levy, and the larger and choicer proportion of public lands,[83] but compelled the issue of scrip at an interest of thirty-six per cent.[84] Issued one after the other, without prospect of speedy payment, this paper depreciated sixty per cent and more, till contractors and purveyors were obliged in self-protection to charge twice and thrice the amounts due them. Unscrupulous officials and speculators, moreover, seized the opportunity to make fortunes by purchasing the scrip at low rates, and paying it into the treasury at par in lieu of the coin obtained for taxes. Thus a debt of more than a million rolled up within the year ending February 1851, and grew so rapidly, while city property and credit so declined, that the legislature had to come to the rescue with restrictive enactments.[85]

[82] Among the items figured $41,905 for printing; surveying absorbed another big sum; the city hall purchase, with repairs, etc., absorbed about $200,000.

[83] The sale of Jan. 3, 1850, of water lots yielded $635,130, and in April followed another big sale.

[84] Three per cent monthly, which was by no means exorbitant at the time.

[85] As will be seen later. The first deficit of $24,000 appeared in the Jan.–Feb. 1850 account. On Aug. 31st the debt was $282,306. *S. F. Picayune*, Sept. 5, 1850; *S. F. Directory*, 1852, 14. On March 1, 1851, it had risen to $1,099,557.56. *S. F. Alta Cal.*, Apr. 27, 1851. Soon after the debt was funded for $1,300,000. The expenditures from Aug. 1, 1849, to Jan. 28, 1851, amounted to $2,012,740.10; on the streets, wharves, and landings, there were expended $826,395.56; on hospitals, cemeteries, and board of health, $231,358.86; on police and prisons, $208,956.87; on fire dept, $108,337.85; on courts, $236,892.12; and the balance of over $400,000 on salaries, rents, printing, etc. During the quarter ending Feb. 28, 1851, the receipts and expenditures were: Received from licenses, $25,744.55; from hospital fund, $301; from courts, $2,734.50; wharf dues, 333.95; sale of beach and water lots, $5,230.65; and from street assessments, $103,355.40. On the other hand, the fire and water department caused an expenditure of $7,945.10; the streets, including surveys, $223,482.28; the prison, courts, and police, $20,464.19; hospital, including cholera expenses, $41,036.11; wharves, $39,350.59; and the salaries, legal expenses, printing, and other contingent items, nearly $80,000. *S. F. Alta*, Apr. 27, 1851. The grand jury of Sept. 1851 commented in scathing terms upon the 'shameful squandering' by parties whom they were unable to designate. By that time nearly all the city property had been disposed of, valued at three or four million, yet this, added to revenue and loans, had failed to leave the city any commensurate benefit. Sacra-

mento, without landed resources, had received proportionately larger benefits, by incurring a debt of less than half a million. Benicia's scrip was nearly at par. The main exhibit by S. F. was in grading and planking, two thirds of which cost had been contributed by the property owners. Similar was the showing for the county, which had expended $455,807 for the year ending June 1851, while the receipts were only $69,305. Most of the sums allowed were pointed out as suspicious. See report in *S. F. Herald*, Sept. 30, 1851; Aug. 5, 22, 30, 1850; Aug. 29, 1851; *Cal. Courier*, Id., and Oct. 26, Dec. 6, 1850; *Cal. Polit. Scraps*, 123; *Richardson's Mining Exp.*, MS., 30; *Alta Cal.*, Apr. 27, 1851, etc.; *S. F. Picayune*, Aug. 3-5, Sept. 5, 1850. The assessed value of property for 1851 was $17,000,000, and the estimated revenue $550,000, $400,000 being from licenses. This was declared amply sufficient for expenses, now reduced by $410,000, of which $290,000 was for salaries of municipal officers and police. Reprehensible as the mismanagement was, these aldermen were not worse than many of their accusers, nor half so bad as some later councilmen, who ranked us permanent citizens and esteemed members of the community; for the former were comparative strangers, afflicted by the prevailing mania for speedy enrichment, and with no intention of remaining in California. Geary's demeanor is not wholly spotless. His unassuming manners and ability, and his veto on many obnoxious measures, gave an éclat to his official career, which served greatly to gloss over several questionable features, such as amassing some $200,000 in less than three years, not derived from trade; illegally buying city lots; countenancing the purchase of the useless city hall on Stockton st; and other doubtful transactions connected with the disposal of city property and money. He returned to Pa in Feb. 1852, served with distinction in the civil war, and became gov. of his native state. His portrait is given in *Ann. S. F.*, 725.

CHAPTER XI.

SOCIETY.

1849–1850.

Ingathering of Nationalities—Peculiarities of Dress and Manners—Physical and Moral Features—Levelling of Rank and Position—In the Mines—Cholera—Hardships and Self-denials—A Community of Men—Adulation of Woman—Arrival and Departure of Steamers—Sanitary Condition of San Francisco—Rats and Other Vermin—The Drinking Habit—Amusements—Gambling—Lotteries and Raffles—Bull and Bear Fighting—The Drama—Sunday in the Mines—Summary.

Society during the flush times of California presents several remarkable features besides the Babylonian confusion of tongues, and the medley of races and nationalities. It was a gathering without parallel in history, for modern means of communication alone made it possible. The inflowing argonauts of 1849 found San Francisco not only a tented city, like the rest of the interior towns and camps, but a community of men. The census of 1850 places the female population, by that time fast increasing, at less than eight per cent of the total inhabitants of the country, while in mining counties the proportion fell below two per cent.[1]

[1] Calaveras shows only 267 women in a total of 16,884; Yuba, 221 in a total of 9,673; Mariposa, 108 in 4,379, yet here only 80 were white women; Sacramento, 615 in 9,087. In the southern counties, chiefly occupied by Mexicans, the proportion approaches the normal, Los Angeles having 1,519 women in a total of 3,530. *U. S. Census*, 1850, 969 et seq. The proportion in 1849 may be judged from the overland migration figures, which still in 1850 allows a percentage of only two for women, with a slightly larger fraction for children. *Sac. Transcript*, Sept. 30, 1850; *S. F. Picayune*, Sept. 6, 1850. Many writers on this period fall into the usual spirit of exaggeration by reducing the females even more. Burnett, *Rec.*, MS., ii. 35–7, for instance,

It was, moreover, a community of young men. There was scarcely a gray head to be seen.[2] From these conditions of race, sex, and age, exposed to strange environment, result phases of life and character which stamp the golden era of California as peculiar.

Of nationalities the flow from Europe alone equalled in variety that of the mediæval crusades, with notable prominence to the leading types, the self-complacent Briton, the methodic and reflective German, and the versatile Gaul. The other continents contributed to swell the list. Africa was represented, besides the orthodox negro, by swarthy Moors and straight-featured Abyssinians. Asia and Australasia provided their quota in pig-tailed, blue-garbed Mongols, with their squat, bow-legged cousins of Nipon, lithe and diminutive Malays, dark-skinned Hindoos enwrapped in oriental dreaminess, the well-formed Maoris and Kanakas, the stately turbaned Ottomans, and the ubiquitous Hebrews, ever to be found in the wake of movements offering trade profits.[3] The American element preponderated, however, the men of the United States, side by side with the urbane and picturesque Hispano-Americans, and the half-naked aborigines. The Yankee fancied himself over all, with his political and commercial supremacy, being full of great projects and happy devices for surmounting obstacles, even to the achieving of the seemingly impossible;[4] and fitted no less by indomitable energy,

assumes only 15 per mille for San Francisco, which naturally had a larger proportion of women than the mining camps.

[2] Calaveras exhibits in its total of 16,884 only 69 persons over 60 years; Yuba only 21 in its total of 9,673. *Ib.*

[3] Helper, *Land of Gold*, 53–4, states that the 'general dislike to their race induced many to trade under assumed names.' See also *McDaniels' Early Days*, MS., 4.

[4] Their selfishness, tempered by sagacious self-control, is generally of that broad class which best promotes the general weal. They readily combine for great undertakings, with due subordination, yet without fettering individuality, as manifested in the political movements for which they have been fitted from childhood by participation in local and general affairs. Lambertie extols the audacious enterprise 'qui confond un Francais,' and the courageous energy which yields to no reverses. *Voy.*, 209–10. Auger, *Voy.*, 105–6, also admires the power to organize. See *California Inter Pocula*, this series.

shrewdness, and adaptability than by political and numerical rights to assume the mastery,[5] and so lift into a progressive state a virgin field which under English domination might have sunk into a stagnant conservative colony, or remained under Mexican sway an outpost ever smouldering with revolution.

As compared with this foremost of Teutonic peoples, the French, as the Latin representatives, appeared to less advantage in the arts needful for building up a commonwealth. Depth of resource, practical sense, and force of character could not be replaced by effervescing brilliancy and unsustained dash. They show here rather in subordinate efforts conducive to creature comforts,[6] while Spanish-Americans were conspicuous from their well-known lack of sustained energy.[7]

The clannish tendencies of the Latin peoples, due partly to the overbearing conduct of the Anglo-Saxons, proved not alone an obstacle to the adoption of superior methods and habits, but fostered prejudices on both sides. This feeling developed into open hostility[8] on the part of a thoughtless and less respectable portion of the northern element, whose jealousy was roused by the success achieved by the quicker eye and experience of the Spanish-American miners. The Chinese did not become numerous enough until 1851 to awaken the enmity which in their case was based on still wider grounds.[9]

[5] Among the less desirable elements were the ungainly, illiterate crowds from the border states, such as Indiana Hoosiers and Missourians, or 'Pike County' people, and the pretentious, fire-eating chivalry from the south. While less obnoxious at first, the last named proved more persistently objectionable, for the angularities of the others soon wore off in the contact with their varied neighbors, partly with the educated youths from New England. *Low's Stat.*, MS., 7; *Findla's Stat.*, MS., 9; *Fay's Facts*, MS., 19.

[6] In catering for others, or making the most of their own moderate means. 'Les plus pauvres,' exclaims *Saint Amant, Cal.*, 487, on comparing their backward condition with that of the adaptive Americans.

[7] They were slow to take lessons from their inventive neighbors. A warning letter against the Chilians came from South American. *Unbound Doc.*, 327-8. Revere, *Keel and Saddle*, 160-1, commends their quickness for prospecting, and their patience as diggers. *Bosthwick's Cal.*, 311; *Barry and Patten's Men and Mem.*, 287 et seq.; *Fisher's Cals.*, 42-9; *Alta Cal.*, June 29, 1851.

[8] As will be seen later.

[9] All of which is fully considered in another volume of this work.

Certain distinctiveness of dress and manner assisted the physical type in marking nationalties; but idiosyncrasies were less conspicuous here than in conventional circles, owing to the prevalence of the miner's garb—checked or woollen shirts, with a predominance of red and blue, open at the bosom, which could boast of shaggy robustness, or loosely secured by a kerchief; pantaloons half tucked into high and wrinkled boots, and belted at the waist, where bristled an arsenal of knife and pistols. Beard and hair, emancipated from thraldom, revelled in long and bushy tufts, which rather harmonized with the slouched and dingy hat. Later, a species of foppery broke out in the flourishing towns; on Sundays particularly gay colors predominated. The gamblers, taking the lead, affected the Mexican style of dress: white shirt with diamond studs, or breastpin of native gold, chain of native golden specimens, broad-brimmed hat with sometimes a feather or squirrel's tail under the band, top-boots, and a rich scarlet sash or silk handkerchief thrown over the shoulder or wound round the waist. San Francisco took early a step further. Traders and clerks drew forth their creased suits of civilization, till the shooting-jacket of the Briton, the universal black of the Yankee, the tapering cut of the Parisian, the stovepipe hat and stand-up collar of the professional, appeared upon the street to rival or eclipse the prostitute and cognate fraternity which at first monopolized elegance in drapery.[10]

Miners, however, made a resolute stand against any approach to dandyism, as they termed the concomitants of shaven face and white shirt, as antagonistic to their own foppery of rags and undress which attended deified labor. Clean, white, soft hands were an abomination, for such were the gambler's and the preacher's, not to speak of worshipful femininity. But horny were the honest miner's hands, whose one only

[10] *Fay's Facts*, MS., 10. *Placer Times*, Oct. 27, 1849, and contemporaries, warn their readers against such imitation of foppery.

soft touch was the revolver's trigger. A store-keeper in the mines was a necessary evil, a cross between a cattle-thief and a constable; if a fair trader, free to give credit, and popular, he was quite respectable, more so than the saloon-keeper or the loafer, but let him not aspire to the dignity of digger.[11]

Nor was the conceit illusive; for the finest specimens of manhood unfolded in these rugged forms, some stanch and broad-shouldered, some gaunt and wiry; their bronzed, hairy features weather bleached and furrowed, their deep rolling voices laden with oaths, though each ejaculation was tempered by the frankness and humor of the twinkling eye. All this dissolution of old conventionalities and adoption of new forms, which was really the creation of an original type, was merely a part of the overflowing sarcasm and fun started by the dissolution of prejudice and the liberation of thought.

A marked trait of the Californians was exuberance in work and play, in enterprise or pastime—an exuberance full of vigor. To reach this country was in itself a task which implied energy, self-reliance, self-denial, and similar qualities; but moderation was not a virtue consonant with the new environment. The climate was stimulating. Man breathed quicker and moved faster; the very windmills whirled here with a velocity that would make a Hollander's head swim. And so like boys escaped from school, from supervision, the adventurer yielded to the impulse, and allowed the spirit within him to run riot. The excitement, moreover, brought out the latent strength hitherto confined by lack of opportunity and conventional rules. Chances presented themselves in different directions to vaulting ambition. Thrown upon his own resources midst

[11] The supposed well-filled pockets of the miner and his ever-present loaded revolver made him an object of respect. Their most allowable approach to gay display was in the Mexican muleteer or caballero attire, not omitting the gay sash and jingling spurs. *Kip's Sketches*, 18–19; *S. F. Dir.*, 1852, 12–13; *Overland*, Sept. 1871, 221 *Bosthwick's Cal.*, 56.

strange surroundings, with quickened observation and thought, the enterprising new-comer cast aside traditional caution, and launched into the current of speculation; for everything seemed to promise success whatever course might be pursued, so abnormal were the times and place which set at naught all calculations formulated by wisdom and precedent. Amid the general free and magnificent disorder, recklessness had its votaries, which led to a wide-spread emphasis in language,[12] and to a full indulgence in exciting pastimes. All this, however, was but the bubble and spray of the river hurrying onward to a grander and calmer future.

This frenzied haste, no less than the absence of families, denoted that the mania was for enrichment, with hopes rather of a speedy return to the old home than of building a new one. San Francisco and other towns remained under this idea, as well as temporary camps and depôts for the gold-fields, whither went not only diggers, but in their wake a vast following of traders, purveyors, gamblers, and other ravenous non-producers to absorb substance.

The struggle for wealth, however, untarnished by sordidness, stood redeemed by a whole-souled liberality, even though the origin of this ideal Californian trait, like many another virtue, may be traced to less noble sources; here partly to the desire to cover up the main stimulant—greed; partly to the prodigality bred by easy acquisition;[13] partly to the absence of restraining family cares. Even traders scorned to haggle. A half-dollar was the smallest coin that could be tendered for any service, and many hesitated to offer a quarter for the smallest article. Everything proceeded on a grand scale; even boot-blacking assumed big proportions, with neatly fitted recesses,

[12] For specimens, I refer to *Cremony's Apache*, 345.

[13] It was manifested in social intercourse, also in charity, which in these early days found worthy objects among the suffering immigrants, as related under the Overland Journey. Garniss, *Early Days*, MS., 19, instances the liberality to stricken individuals, for which the wide-spread opulence gave less occasion.

cushioned chairs, and a supply of entertaining journals. Wages rose to a dollar an hour for laborers, and to twelve and twenty dollars a day for artisans.[14] With them was raised the dignity of labor, sanctified by the application of all classes, by the independence of mining life, and by the worshipful results—gold.

A natural consequence was the levelling of rank, a democratic equalization hitherto unapproached, and shattering the conservative notions more or less prevalent. The primary range of classes was not so varied as in the older countries; for the rich and powerful would not come to toil, and the very poor could not well gain the distant land; but where riches lay so near the reach of all, their accumulation conferred less advantage. Aptitude was the esteemed and distinguishing trait. The aspiring man could break away from drudgery at home, and here find many an open field with independence The laborer might gain the footing of employer; the clerk the position of principal; while former doctors, lawyers, and army officers could be seen toiling for wages, even as waiters and shoeblacks. Thus were grades reversed, fitness to grasp opportunity giving the ascendency.[15]

The levelling process left indelible traces; yet from the first the mental reservation and consequent effort were made to rise above any enforced subjection. The idea of abasement was sometimes softened by the disguise of name, which served also for fugitives from misfortune or disgrace, while it flattered imitators of humble origin. This habit received wide acknowledgment and application, especially in the mines,

[14] As will be considered under Industries.

[15] Even clergymen left an unappreciated calling to dig for gold. *Willey*, in *Home Missionary*, xxii. 92. Little, *Stat.*, MS., 11, instances in his service as porters, muleteers, etc., two doctors, two planters claiming to own estates, and a gentleman, whatever that may be. See also Cassin, *Stat.*, MS., 5–6, who identified in a bootblack a well-known French journalist of prominent family. Count Raousset de Boulbon, of filibuster fame, who prided himself on royal blood, admits working as a wharf laborer. Master and slave from the southern states could be seen working and living together. But such instances are well known. No sensible man objected to manual labor, although he hesitated at the menial grades.

where nicknames became the rule, with a preference for abbreviated baptismal names, particularized by an epithet descriptive of the person, character, nationality; as Sandy Pete, Long-legged Jack, Dutchy. The cause here may be sought chiefly in the blunt unrestrained good-fellowship of the camp, which banished all formality and superfluous courtesy.[16]

The requirements of mining life favored partnership; and while few of the associations formed for the journey out kept together, new unions were made for mutual aid in danger, sickness, and labor. Sacred like the marriage bonds, as illustrated by the softening of partner into the familiar 'pard,' were the ties which oft united men vastly different in physique and temperament, the weak and strong, the lively and sedate, thus yoking themselves together. It presented the affinity of opposites, with the heroic possibilities of a Damon or Patroclus.[17] Those already connected with benevolent societies sought out one another to revive them for the practice of charity, led by the Odd Fellows, who united as early as 1847.[18]

With manhood thus exalted rose the sense of duty and honor. Where legal redress was limited, owing to the absence of well-established government, reliance had to be placed mainly on individual faith. In 1848 and 1849 locks and watchmen were little thought of. In the towns valuable goods lay freely exposed, or sheltered only by frail canvas structures; and in the camps tents stood unguarded throughout the day, with probably a tin pan full of gold-dust in open view upon the shelf.[19] The prevalent security was due less to

[16] Yet it required great intimacy to question even a comrade concerning his real name and former life.

[17] This applies of course rather to unions of two. Rules for larger associations are reproduced in *Shinn's Mining Camps*, 113; *Farwell's Vig.*, MS., 5.

[18] An account of these and other orders will be given later.

[19] The frail nature of the early business houses in S. F. and elsewhere has been described. Wheaton instances a crockery shop on the border of the Sydney convict settlement, where a notice invited purchasers to select their goods and leave the money in a plate, the proprietor being engaged elsewhere. *Stat.*, MS., 3-4. Coleman relates that a gold watch was picked up near his

the absence of bad men—for reckless adventurers had long been pouring in, as instanced by the character and conduct of many of the disbanded New York volunteers—than to the readiness with which gold and wages could be gained, and to the armed and determined attitude of the people. Soon came a change, however, with the greater influx of obnoxious elements; and the leaden reality of hard work dissipated the former visions of broad-cast gold. Fugitives from trouble and dishonor had been lured to California, graceless scions of respectable families, and never-do-wells, men of wavering virtue and frail piety, withering before temptation and sham-haters, turned to swell the army of knaves.[20] Bolder ruffians took the initiative and banded to raid systematically, especially on convoys from the mines. So depraved became their recklessness that sweeping conflagrations were planned for the plunder to be obtained,[21] while assassination followed as a matter of course. But murder was little thought of as compared with the heinous crime of theft. Disregard for life was fostered by an excitable temperament, the frequency of drunken brawls, the universal habit of carrying weapons, and the nomadic and isolated position of individuals, remote from

camp and left suspended on a tree for a fortnight, undisturbed till the owner returned to claim it. *Vig.*, MS., 2. Most pioneers unite in extolling the security prevalent in those days. 'Property was safer in California than in the older states.' *Delano's Life*, 359. Gov. Mason wrote nearly to the same effect in Oct. 1848. *U. S. Gov. Doc.*, Cong. 31, Sess. 1, H. Ex. Doc. 17, p. 677, *Burnett's Rec.*, MS., ii. 142–3; *Brooks' Four Mo.*, 67. In previous chapters has been shown the extent of crime in 1848, as instanced in the *Californian*, Feb. 2, 1848; *Cal. Star*, Feb. 26; *Star and Cal.*, Dec. 9, 1848, etc. See further, for both years, *Winans' Stat.*, MS., 14–16; *Olney's Vig.*, MS., 1; *Neall's Stat.*, MS., 3–5; *Sutton's Stat.*, MS., 10; *Sac. Transcript*, Apr. 26, 1850, etc.; *Fay's Facts*, MS., 2; *Gillespie's Vig.*, MS., 5; *Friend*, vii. 74; *Little's Stat.*, MS., 16; *Findla's Stat.*, MS., 6; *McCollum's Cal.*, 62; *Staples' Stat.*, MS., 14; *Cal. Past and Pres.*, 162–3.

[20] Sayward, *Pion. Rem.*, MS., 32–3, states that after the Missourians began to come, insecurity increased. In 1850 things had reached such a pass that mail agents were afraid to carry gold, lest they should be murdered. *Woods' Sixteen Mo.*, 141; *Crosby's Stat.*, MS., 41–2. Helper, *Land of Gold*, 36–8, paints the criminal aspect in dark colors; *Cox's An. Trinity Co.*, 62–3. Barstow, *Stat.*, MS., 10, points to the Irish as the rowdy element. *Chamberlain's Stat.*, MS., 1; *Sayward's Rem.*, MS., 33.

[21] Brooks, *Four Mo.*, 142–3, 168–9, 187–8, 201, refers to several bands, as do Burnett and others. For criminal records, I refer to my *Popular Tribunals*, and for cognate data to a later chapter on the administration of justice

friends who might inquire into their disappearance. An armed man was supposed to take care of himself.[22] The lack of judicial authorities tended further to promote the personal avenging of wrongs by duel,[23] which took place frequently by public announcement.

In the northern and central mining districts the preponderance of sedate yet resolute Americans with a ready recourse to lynching inspired a wholesome awe; but along the San Joaquin tributaries, abounding with less sober-minded Sonorans and Hispano-Americans, this restraint diminished,[24] the more so as race animosity was becoming rampant. Swift and radical penalties alone were necessary in the interior, on account of lack of prisons; and even San Francisco found these measures indispensable in 1851, despite her accessories of police and chain-gangs.[25] The ever-moving and fluctuating current of life proved a shield to evil-doers, and fostered the roaming instinct which had driven so many westward, and was breeding pernicious habits of vagrancy and loafing.[26] Every camp had its bully, who openly boasted of prowess against Indians, as well as of his white targets, and flaunted an intimidating braggardism. Likewise every town possessed its sharpers, on the watch for gold-laden and confiding miners.

[22] Helper, *Land of Gold*, 29, 158, estimates in 1854 that since the opening of the mines Cal. had 'invested upwards of six millions of dollars in bowie-knives and pistols.' The same fertile inquirer finds for this period 4,200 murders and 1,400 suicides, besides 10,000 more of miserable deaths. For early years no reliable records exist in this direction, but those for the more settled year of 1855 show 538 deaths by violence, whereof two thirds were white persons, the rest Indians and Chinese. Further data in a later chapter.

[23] Revolvers were the most ready instruments. A common practice for principals was to place themselves back to back, march five paces, turn and fire till the pistol chambers were emptied or the men disabled. Shooting on sight was in vogue, involving no little danger to passers-by. 'I mistook you for another,' was more than once the excuse to some innocent victim. *Olney's Vig.*, MS., 3; *Hittell's Res.*, 377; *Alta Cal.*, July 3, 1851, and other numbers. See also Du Hailly, in *Revue deux Mondes*, Feb. 1859, 612; *Truman's Field of Honor*, and my *Inter Pocula* and *Pop. Tribunals*.

[24] *Placer Times*, July 20, 1849.

[25] Steps were taken in 1850 to prevent the entry of convicts, *Cal. Statutes*, 1850, 202, yet many succeeded in landing. *Alta Cal.*, May 10, July 15-16, 1851.

[26] As complained of already in 1850. *Pac. News*, Jan. 5, 1850.

Much of the growing crime took root during the wet winter of 1849–50, which brought starvation and sickness to the inaccessible camps. Ill health was wide-spread, and more lamentable owing to the isolation of sufferers, devoid of friends and means, and remote from doctors and medicine. The seed of disease was frequently laid during the voyage out, in the unwholesome food and atmosphere of crowded vessels. Then came new climates and surroundings, unusual and exhausting labor, standing in water or on moist ground under a broiling sun, the insufficient shelter of tents or sheds, beds made upon the damp soil, poor and scanty provisions, excitement and dissipation. All this could not fail to affect most of the inexperienced new-comers, especially with fever, bowel complaint, and rheumatism; while scurvy, cutaneous, syphilitic, and pulmonary diseases, claimed their victims.[27] In October 1850 came the cholera; and although disappearing with the year, it is supposed to have carried off fifteen per cent of the population at Sacramento, and about half that proportion westward,[28] besides frightening away a large number. The strain of excitement, with attendant disappointments and windfalls, predisposed to insanity, while lowering the

[27] The report from the state marine hospital at S. F. shows the proportion of 262 diarrhœa cases, 204 dysentry, 113 acute rheumatism, 93 intermittent fever, 47 chronic rheumatism, 46 scurvy, 40 gonorrhea, 37 typhus, 29 pythisis, 28 bronchitis, 26 pneumonia, among 1,200 patients. *Cal. Jour. Sen.*, 1851, 921–3. Diarrhœa killed 10 out of a party of 19 on Trinity River. *Pac. News*, May 9, 1850. Dysentery was equally common, with ulcerated bowels. *Dows' Vig.*, MS., 2; *Unbound Doc.*, MS., 20; *Barstow's Stat.*, MS., 2–3, 12; *Larkin's Doc.*, vi. 172, 175. Destitution and death by starvation is mentioned in *Pac. News*, Dec. 13, 1849; *Garniss' Early Days*, MS., 11. A remedy for scurvy was to bury the patient in earth, all but the head. 'Whole camps were sometimes buried at once, except a few who remained out to keep off the grizzlys and coyotes.' *Sawtelle's Pioneers*, MS., 5; *Morse's Stat.*, MS.

[28] At San José ten per cent, at S. F. five. *Burnett's Rec.*, MS., ii. 241. It caused a rush of passengers by the Panamá steamer. Some died on board, but within a week the pest disappeared. *Crary's Vig.*, MS., 1. It raged in Ophir, etc. *Pac. News*, Nov. 1, 1850; *Cal. Courier*, Oct. 24, Dec. 21, 1850; *S. F. Picayune*, Oct. 23, 25, Nov. 4, 6, Dec. 5, 1850. Judge Hoffman succumbed. A cholera hospital was opened at S. F., on Broadway. *S. F. Directory*, 1852, 17; *Ver Mehr's Life*, 367; *Sac. Transcript*, Oct. 14, 1850, says it broke out at S. F.; *Polynesian*, vii. 98, 110, 114, 118, 138; *Shuck's Repres. Men*, 936. It reappeared in 1852.

physical and mental tone.[29] The lack of remedial facilities in the mining camps directed a stream of invalids to the towns, especially to San Francisco, despite its unfavorable winds and moisture. There were also constantly left stranded new-comers, reduced by Panamá fevers and the hardships attending badly fitted vessels, made desperate by destitution and suffering, from which only too many sought escape by suicide.[30] Little ceremony attended the burial of these unfortunates in the cities, but in the mines a procession of miners usually attended to consign a comrade, often shroudless and uncoffined, to a shallow grave.[31] The high cost of treatment by doctors and at private hospitals, with over-crowding and neglect in the public wards, tended to keep the death-rate high during the first two years of the mining era.[32]

Obviously in a community of men the few women present were very conspicuous. There were whole groups of camps which could be searched in vain for the presence of a single woman, and where one was found she proved too often only the fallen image, the center of gyrating revelry and discord.[33] In San

[29] In 1850 twelve persons were cast upon the care of S. F., with an increase to three times that number by 1852, and legislative steps were taken to provide for the afflicted, at first in a brig anchored at North Beach. *Cal. Jour. Ho.*, 1850, 1341; *Cal. Polit. Code*, 297–306; *Fernandez, Cal.*, 189; *Mines and Miners*, 795–6; *S. F. Herald*, Sept. 30, 1851.

[30] By the close of 1854 the suicides were estimated at 1,400. *Helper's Land of Gold*, 29. Some went to the Hawaiian Islands.

[31] At S. F. pauper burials were contracted for in 1850 at the reduced rate of $35, formerly $50 to $100. *S. F. Minutes*, 1849–50, 68, 79–82, etc.; *Garniss' Early Days*, MS., 10; *Wheaton's Stat.*, MS., 2. Mr Gray came from New York in 1850, as a professional undertaker. *Pac. News*, May 1, 1850; *S. F. Alta*, June 11, 1853; Feb. 26, 1863; *Polynesian*, vi. 110; *Hutchings' Mag.*, iii. 133, 252. The interments at S. F. prior to 1850 are estimated at 970. For the year ending July 1851, when cholera raged, they rose to 1,475, then fell to 1,005, rising again to 1,575, with a proportionate decline after July 1853. *Annals S. F.*, 593–6.

[32] Hospitals are spoken of under Sac. and S. F. annals. A board of health was organized in 1850; also a medical society, June 22d. *Pac. News*, May 18, Dec. 14, 1850; *Cal. Courier*, Oct. 23–4, 1850. The fee-bill of the latter ranged from 'an ounce,' $16, the lowest price, upward; visits were rated at $32; advice and operations were specified as high as $1,000. *Miscel. Stat.*, MS., 3–4; *Armstrong's Exper.*, MS , 9.

[33] The place of women at dances would be taken by men. In 1850 more women began to come in, although composed largely of loose elements. Num-

Francisco and other large towns, families began to settle, yet for a long time the disreputable element outshone the virtuous by loudness in dress and manner, especially in public resorts. In the scarcity men assumed the heroic, and women became worshipful. The few present wore an Aphrodite girdle, which shed a glamour over imperfections, till they found themselves divinities, centres of chivalric adorers. In the mining region men would travel from afar for a glance at a newly arrived female, or handle in mock or real ecstasy some fragment of female apparel.[34] Even in the cities passers-by would turn to salute a female stranger,[35] while the appearance of a little girl would be heralded like that of an angel, many a rugged fellow bending with tears of recollec-

bers 'from the east,' observes Barstow, *Stat.*, MS., 4. The preponderance in this class lay, however, with Hispano-Americans, not excepting Californians, says Cerruti, *Ramblings*, MS., 50. Hundreds were brought from Mazatlan and San Blas on trust, and transferred to bidders with whom the girls shared their earnings. *Fernandez, Cal.*, 190–1. The Peruvians were sought for dancing-saloons. Australia sent many. *Polynesian*, vii. 34. French women were brought out to preside at gambling-tables. 'Nine hundred of the French demi-monde are expected,' announces the *Pac. News*, Oct. 23, 1850, to reside on Stockton and Filbert sts. The number dwindled to 50. *Sac. Transcript*, Nov. 29, 1850. Indian women were freely offered at the camps, and the number was increased by kidnapped females from the Marquesas Islands. See outcry on this point in *Alta Cal.*, Dec. 21, 24, 1850. One noted prostitute claimed to have earned $50,000. *Garniss' Early Days*, MS., 7. For first published case of adultery in 1849 at S. F., see *Richardson's Exper.*, MS., 27; also *Miscel. Stat.*, MS., 2; *Hayes' Scraps, Cal. Notes*, v. 60, etc. The *Home Missionary*, xxii. 163–7, xxvii. 159, intimates that half the women in S. F. were of the loose element. *Bolton vs. U. S.*, 99–101; *Velasco, Son.*, 325. The *Cal. Courier*, Oct. 21–2, Nov. 16, 1850, inveighs against the demi-monde, while the *Alta Cal.*, Dec. 19, 1850, commends the improved morals. So does *S. F. Picayune*, Sept. 27, 1850, although it admits that even the higher classes were dissolute. Armstrong, *Exper.*, MS., 12, speaks of the personation of women and the sale of a wife. In Oct. 1849 there were not over 50 U. S. women in S. F., says McCollum, *Cal.*, 61.

[34] A story is told of the excitement over the discovery of a bonnet, attended by a dance around it, hoisted upon a May-pole. Some add a stuffed figure to the bonnet, and put a cradle by its side. *Winans' Stat.*, MS., 17; *Letts' Cal. Illust.*, 89–90. An acquaintance of Burnett, *Rec.*, MS., ii. 38–9, related that he travelled 40 miles to behold a woman. Steamboat agents would cry out, 'Ladies on board!' to draw custom. Gamblers and proprietors of public resorts used to board vessels to offer flattering engagements; but even then women were soon married. Concerning claims to being female pioneers in different counties, see *San José Pioneer*, July 7, 1877, etc.; *S. F. Bulletin*, May 5, Aug. 11, 1876, etc.; *Record-Union*, May 4, 1876, etc.

[35] The attention often made modest women uncomfortable, while others encouraged it by extravagant conduct. Loose characters flaunted costly attire in elegant equipages, or appeared walking or riding in male attire. *Farnham's Cal.*, 22–3; *Barry and Patten, Men and Mem.*, 138–9.

tion to give her a kiss and press a golden ounce into her hand. The effects of these tender sentiments remained rooted in the hearts of Californians long after the romance age,[36] the only mellow trait with many a one, the only thing sacred being some base imitation of the divine image.

As modest virtue regained the ascendency with the increase of families, indecency retreated, to be sought in the shadow by the men of all classes who, during the earlier absence of social restraint, hesitated not to walk the street beside a prostitute, or yield to the allurement of debased female company midst surroundings far more comfortable and elegant than their own solitary chambers.[37] With the subordination to some extent of the grand passion, gambling and other dissipations received a check, and higher pastimes and the home circle rose in favor. As any semblance of a woman could be almost sure of speedy marriage, intending settlers hastened to bring out female friends and relatives; benevolent persons sought to relieve the surplus market at home,[38] and successful men recalled some acquaintance in their native village with whom

[36] It was for a long time difficult to find a jury which would convict a woman.

[37] Balls were frequently attended at these places by public men of prominence, where decorum prevailed, and champagne at high prices was made to pay the cost of supper.

[38] Mrs Farnham issued a circular in N. Y., Feb. 1849, offering to take out a number of respectable women, not over 25 years of age, each to contribute $250 for expenses. Mrs F. fell sick, and the enterprise was left in abeyance. *Farnham's Cal.*, 25–7. Subsequently she did bring out a number, adds Clark, *Stat.*, MS., 1–2; *Revue Deux Mondes*, Feb. 15, 1859, 948–9. A similar futile Parisian enterprise had in view a share of the marriage portion. *Pac. News*, Nov. 11, 1850. Advertisements for wives were not uncommon. In *Sawtelle's Pioneers*, MS., 10, is related the repeated contests for and frequent marriage of a Mexican widow. *Placer Times*, Dec. 15, 1849, boasts of a wedding attended by 20 ladies, and the display of dress-coats and kid gloves. A mercenary fellow of Shasta advertised admission to his wedding at $5 a ticket, which brought a snug sum with which to start the household. *Hutchings' Mag.*, ii. 567; *Cal. Steamer, 25th Anniv.*, 50–1; *Pac. News*, Nov. 4, 11, 1850. Advertisement for 200 Chilian brides, in *Polynesian*, v. 202. It is said that Burnett owed his election for governor greatly to being married and having two daughters; his opponent was a bachelor. *Hall's Hist.*, 204; *Woods' Sixteen Mo.*, 75; *Pioneer Mag.*, ii. 80; *Hesperian*, ii. 10, 494; *Shinn's Mining Camps*, 137; *Fremont's Am. Travel*, 100–3, 112. A writer in *Overland*, xiv. 327, denies the rarity of and stir caused by women, but on insufficient grounds. *Merrill's Stat.*, MS., 10; *Soule's Stat.*, MS., 4.

to open correspondence with a view to matrimony. As a class, the women of this period were inferior in education and manners to the men; for the hardships of the voyage and border life held back the more refined; but as comforts increased the better class of women came in,[39] and the standard of female respectability was elevated.

Distance did not seem to weaken the bond with the old home,[40] to judge especially by the general excitement created by the arrival of a mail steamer. What a straining of eyes toward the signal-station on Telegraph hill, as the time of her coming drew nigh! What a rush toward the landing! What a struggle to secure the month-old newspaper, which sold readily for a dollar! For letters patience had to be curbed, owing to the scanty provisions at the post-office for sorting the bulky mail Such was the anxiety, however, that numbers took their position in the long line before the delivery window during the preceding day or night, fortified with stools and creature comforts. There were boys and men who made a business of taking a place in the post-office line to sell it to later comers, who would find the file probably extending round more than one block. There was ample time for reflection while thus waiting before the post-office window, not to mention the agony of suspense, heightened by the occasional demonstration of joy or sorrow on the part of others on reading their letters.[41]

The departure of a steamer presented scenes hardly less stirring, the mercantile class being especially earnest in efforts to collect outstanding debts for remittance. At the wharf stood preëminent sturdy

[39] And diminished the number of California widows left in almost every town of the eastern states; many of them pining and struggling against poverty for years in the vain hope of meeting again their husbands.

[40] As proved, indeed, by later incidents, the war of 1861-5, the railway connection, etc.

[41] The scene at the post-office is a favorite topic with writers on this period. Instance *McCollum's Cal.*, 62-3; *Cassin's Stat.*, MS., 16-17; *Kelly's Excurs.*, ii. 252-5, with humorous strokes; *Borthwick's Cal.*, 83-5; *Cal. Scraps*, 126-7; *Alta Cal.*, Aug. 28, 1854, etc.

miners girdled with well-filled belts, their complacent faces turned eastward. Old Californians they boasted themselves, though counting, perhaps, less than a half-year sojourn; many strutting in their coarse and soiled camp attire, glorying in their rags like Antisthenes, through the holes of whose clothes Socrates saw such rank pride peering. Conspicuous by contrast were many haggard and dejected faces, stamped by broken constitutions, soured by disappointment. Others no less unhappy, without even the means to follow them, were left behind, stranded; with hope fled, and having relinquished the struggle to sink perhaps into the outcast's grave.

Housekeeping in these days, even in the cities, was attended by many discomforts. The difficulty of obtaining female servants, which prevailed even in later years, gave rise to the phenomenon of male house-servants, first in Irish, French, or Italian, and later in Chinese form. Fleas, rats, and other vermin abounded;[42] laundry expenses often exceeded the price of new underwear;[43] water and other conveniences were lacking,[44] and dwelling accommodations most deficient, the flimsy cloth partitions in hotels forbidding privacy.[45]

For the unmarried men any hovel answered the purpose, fitted as they were for privation by the hardships of a sea voyage or a transcontinental journey.

[42] The city swarmed with rats of enormous size. Poison being freely scattered to exterminate them, they were driven by pain to the wells, which thus became unfit for use. *Torres, Perip.*, 109. Barry and Patten, *Men and Mem.*, 91–2, allude to the species of rats brought by vessels from different countries, notably the white, pink-eyed rice rat from Batavia. *Wilmington Enterprise*, Jan. 21, 1875.

[43] So that soiled shirts were frequently thrown away. Mrs Tibbey, in *Miscel. Stat.*, MS., 20. The largest laundry flourished at Washerwoman's lagoon, at the western foot of Russian hill. Much linen was sent to Canton and the Hawaiian Islands to be washed.

[44] Ver Mehr credits Gillespie with the first carriage in S. F. Mrs Fremont claims it for herself. *Am. Travel*, 118. Posterity may let them both have it, and lose nothing. Water was at one time brought from Sauzalito in boats and distributed by carts; some wells were then dug, the carts continuing the service.

[45] These disturbing causes tended to the breaking up of homes, as instanced by desertion and divorce petitions in 1849–50. *Pac. News*, Dec. 22, 1849; Jan. 15, 1850; *Placerville Democ.*, Apr. 24, 1875, etc.

The bunk-lined room of the ordinary lodging-house,[46] the wooden shed, or canvas tent, could hardly have been more uncomfortable than the foul-smelling and musty ship hold. Thus the high price prevalent for board and lodging, as well as the discomforts attending housekeeping and home life, tended to heighten the allurements of vice-breeding resorts.

Californians have acquired an unenviable reputation by reason of their bar-room drinking propensities. At first this was attributed to the lack of homes and higher recreations; but the increase of drinking-saloons and wide-spread indulgence point for explanation to other causes, such as temperament, excitement, strain, and some have said climate.[47] The tendency is cognate with the exuberance of the people, with their lavishness and characteristic tendency toward excess, which has also fostered the habit of not drinking alone. Solitary tippling is universally stamped as mean; and rather than incur such a stigma the bar-keeper must be invited. Yet the excess is manifested less in actual inebriety than in frequent indulgence at all hours of the day and night, which with the vile adulterations often used, succeeds effectually in killing, or undermining the constitution and morals of thousands. In early days the subtle attraction was increased by contrast between a dismal lodging and the bright interior of the saloon, with its glittering chandeliers, costly mirrors wreathed with inspiring banners, striking and lascivious paintings, inviting array of decanters, perhaps music and sirens, some luring with song and dance, some by a more direct appeal.[48] Until far into 1850, when San Francisco introduced street lamps, the reflection from these illuminated hot-beds of vice was about all the light

[46] As described elsewhere in connection with dwellings and hotels.

[47] The climatic excuse was general as early as 1849. *Moore's Pio. Exper.*, MS., 7.

[48] In Sacramento a number of saloon-keepers combined to save the expense of music, but failed. *Sac. Transcript*, Oct. 14, 1850.

the city had, the canvas houses glowing with special effect upon the muddy streets, or throwing their weird light far out into the waters of the bay. In the saloons of the mining towns comfortable chairs and the central stove presented the only relief to a dingy interior, with its card-table, cheap pictures, well-stocked bar, and ever-thirsty hangers-on. The proprietor, however, was often a host in himself, as local dignitary, umpire, and news repository; the hail fellow and confidant of everybody, who cared for the wounded and fallen after the knife or pistol skirmish; himself, perhaps, safe behind his sand-bag fortification. The casualties were particularly heavy after an occasional dearth of whiskey, from interrupted traffic during the winter.[49] Notwithstanding the forbidding aspect of the field, temperance advocates were present as early as 1849, vainly endeavoring to curb the passion by words.[50]

Public gambling flourished as a legally authorized vice at all saloons, yet its prevalence led in the cities to the establishment of special gambling-houses. Mining, being itself a chance occupation, gave here an additional impulse to the pastime, which some cultivated as a mental stimulant, others as an anæsthetic. With easy acquisition losses were less poignant. In San Francisco the plaza was the centre of these resorts, with the El Dorado saloon as the dividing point between the low places to the north and the select clubs southward.[51] Gay flags and streamers and decoy lamps strike the eye from a distance; within a blaze of light reveals a moving silhouette of figures.

[49] It can readily be understood that such general devotion to the cause must have brought forth many innovations and inventions in the range of drinks. For instances, I refer to *Overland*, July 1875, 80–1; May 1874, 477; Aug. 1868, 146; *Helper's Land of Gold*, 66. Also, *Saxon's Five Years*, 26; *Cal. Pilgrim*, 54, 136; *Mayne's B. Col.*, 163; *Cremony's Apache*, 348.

[50] A meeting at S. F. is recorded in *Alta Cal.*, Jan. 25, 1849. At Sacramento a society was formed in 1850. *Sac. Illust.*, 13; *Sac. Direct.*, 1871, 76; *Pac. News*, May 16, 21, Dec. 24, 1850.

[51] The leading resorts of 1849–50 embraced the Rendezvous, Bella Union, Verandah, Parker house (one floor in it), Aguila de Oro, Empire, the latter opened in May 1850, being 140 feet long, and finely frescoed.

The abode of fortune seeks naturally to eclipse all other saloons in splendor; and indeed, the mirrors are larger, the paintings more costly, and the canvased walls adorned with brighter figures. At one end is the indispensable drinking-bar, at the other a gallery for the orchestra, from which loud if not harmonious music floats upon the murky atmosphere laden with fumes of smoke and foul breaths.[52] These and other attractions are employed to excite the senses, and break down all barriers before the strongest temptation, the piles of silver and gold in coin and dust, and glittering lumps which border the leather-covered gaming-tables, sometimes a dozen in number. From different directions is heard the cry, "Make your bets, gentlemen!" midst the hum and the chink of coin. "The game is made," and a hush of strained expectancy attends the rolling ball or the turning cards; then a resumption of the murmur and the jingling, as the stakes are counted out or raked in by the croupier. Gamblers and spectators form several lines in depth round the tables; broadcloth, pea-jacket, and woollen shirt side by side, merchant and laborer, dandy and shoeblack, and even the whilom pastor or deacon of the church. Some moving from group to group are bent merely on watching faces and fickle fortune, till, seized by desire, they yield to the excitement and join in the infatuation. Once initiated, the slow game of calculation in money matters which has hitherto sufficed for pastime, falls before the stirring pulsation imparted by quickly alternating loss and gain. The chief games were faro, preferred by Americans and Britons; monte, beloved of the Latin race;[53] roulette,

[52] At the Aguila de Oro Ethiopian serenaders added to the attraction. Another boasted a Mexican quintette of guitars. The later Chinese resorts had symbols, etc. According to Torres, *Perip.*, 99, a brother of Gen. Ben. Butler kept one of these places; expenses $500 a night, leaving large profits. The El Dorado kept a female violinist. *Taylor's El Dorado*, i. 118.

[53] For this game were used Spanish cards, 48 in a pack, the ten being lacking. There were frequently two dealers at opposite ends of the table, each with a bank pile of $5,000 or $10,000. The mere matching of two cards, sometimes four, the game being decided by the first similar card drawn from the pack, would seem to afford facilities for trickery, while certain conditions ruled in favor of the banker.

rouge-et-noir, rondo, vingt-et-un, paire-ou-non, trente-et-quarante, and chuck-a-luck with dice.[54] The stakes ranged usually between fifty cents and five dollars, but rose frequently to $500 and $1,000, while amounts as high as $45,000 are spoken of as being risked upon the turn of a card.[55] The most reckless patrons were richly laden miners, who instead of pursuing their intended journey homeward, surrendered here their hard-earned wealth, and returned sadder, if not wiser, to fresh toils and hardships. The most impassive as well as constant gamblers were the Mexicans, who, otherwise so readily excited, could lose their all without betraying an emotion; while sober-faced Americans, who, though they might crack a grim joke over their misfortune, ill concealed their disappointment over losses. In the one case there was a fatalistic submission to the inevitable; in the other the player would not yield his entire personality to the fickle goddess. Although in the mining camps were many honest gamblers, yet play there was oftentimes riotous and attended by swindling, and a consequent appeal to weapons; in the towns the system of licensing what was then deemed an unavoidable evil tended to preserve decorum.[56] An air of respectability was further imparted by the appearance of the professional

[54] At the street corners were thimble-rig and other delusive guess games. The rent for a table was heavy, as may be judged from the fact that the greater part of the income from the Parker house, at one time $15,000 a month, came from the one gambling floor. Half of the gamblers used to pay $1,000 per month for a table, says McCollum. *Cal.*, 61.

[55] A bag of dust, $16,000 in value, was one evening covered by a faro dealer without a murmur. *Annals S. F.*, 249 The editor of *Placer Times*, Mar. 9, 1850, claims to have known of bets of $32,000 and $45,000 at monte. On one occasion the money in bank on monte tables exceeded $200,000, and more than that was at stake in other games. *Home Missionary*, xxvii. 160. Woods relates that a lawyer once swept three tables in succession. A young man just arrived, and en route to the mines, borrowed $10 and approached a faro-table. By the following morning he had won $7,000, with which he returned by next steamer, determined never to play again. Davidson, the banker, said that some professed gamblers used to remit home an average of $17,000 a month. *Sixteen Mo.*, 75. Among other instances of gains was one of $100,000 by a man who started with $5,000. After losing half of his winnings he stopped, bought a steamer ticket, and went home. *Placer Times*, Mar. 9, 1850. The record of losses, however, is a thousand to one greater, hundreds of cases being cited where the miner en route for home staked his all and lost.

[56] At S. F. the permit cost $50 per month, with $25 extra for each Sunday.

gamblers, who greatly affected dress, although with a predilection for display. With the growth of home influence the pastime began to fall into disrepute, and in September 1850 San Francisco took the first step toward its suppression by forbidding the practice on Sundays.[57] An insidious and long-countenanced adjunct to the vice flourished in the form of lotteries, which were carried on with frequent drawings, especially at holiday seasons, as a regular business, as well as a casual means for getting rid of worthless or unprofitable goods. Jewelry formed the main attraction, but articles of all classes were embraced, even land, wharves, and pretentious buildings.[58]

[57] *Cal. Courier*, Sept. 14, 1850 Some of the hotels assisted by excluding its public practice, as the Union. *S. F. Picayune*, Nov. 26, 1850. Yet it was not till 1855 that absolute restrictive measures were taken. So far gambling debts were recoverable. *Alta Cal.*, Apr. 17, 1855; *Sac. Transcript*, Feb. 14, 1851. In Jan. 1848 an order to permit games of chance was vetoed in S. F. *Californian*, Jan. 12, 1848; penalty $10 to $50, but a repeal came quickly. *Sac. Union*, May 21, 1856; *Pac. News*, Feb. 14, 1851, refers to the arrest of gamblers.

[58] E. P. Jones held a real estate lottery in the autumn of 1850, with 4,000 tickets at $100. The 500 lots offered as prizes embraced valuable central city land. In Oct. 1850 H. Howison sought to pay his debts and avoid a sacrifice of property by offering his wharf with 9 stores and 10 offices, renting for $5,000 a month, besides two water lots with a store-ship, for $200,000, in 2,000 shares at $100. The prominent St Francis hotel was offered the same month. *Pac. News*, Oct. 19, Nov. 8, 13, 1850. A regular lottery firm was Tucker & Reeves. By advertisement in *Cal. Courier*, etc., of Dec. 17, 1850, $20,000 worth of jewelry was offered. Their usual first prize was a gold ingot of from $6,000 to $8,000 in value. In 1853 Reeves offered stuff valued at $30,000 at $1 tickets. In Sacramento the Pacific theatre and 99 other pieces of real estate were offered in 1850. These real estate and other raffles, as they were sometimes termed, encroached seriously on legitimate business The California Lottery and Hayes & Bailey figure in the 1850 list of lottery firms. See journals of Dec., any early year. Further references to gambling in *Carson's Early Days*, 29; *Kelly's Excursion*, ii. 245–7; *Winans' Stat.*, MS., 5–6; *Hittell's S. F.*, 235–7; *Upham's Notes*, 235–6; *Helper's Land of Gold*, 71–3; *Lambertie, Voy.*, 204–6; *Coke's Ride*, 355–7; *Frignet, Cal.*, 94, 117; *Lett's Cal.*, 48–50; *Cal. Past and Present*, 163; *Neall's Vig.*, MS., 25–8; *Garniss' Early Days*, MS., 15–16; *Bartlett's Stat.*, MS., 3, 14; *Armstrong's Exper.*, MS., 8; *Delano's Life*, 289–90; *Willey's Thirty Years*, 39; *McDaniels' Early Days*, 49–50; *Farnham's Cal.*, 271–4; *Roach's Stat.*, MS., 9; *Sutton's Stat.*, MS., 10; *Cerruti's Ramblings*, MS., 25–7; *Hutchings' Mag.*, i. 215; iii. 374; *Schmiedell's Stat.*, MS., 4; *Cassin's Stat.*, MS., 10–12; *Merrill's Stat.*, MS., 9–10; *Van Dyke's Stat.*, MS., 3; *Miscel. Stat.*, MS., 13–14; *Home Miss.*, xxiii. 209; *Conway's Early Days*, MS., 1–2; *Cal. Ilust.*, 44, [illegible], 100; *Cal. Pilgrim*, 243; *Overland*, Nov. 1871; Feb. 1872; *Shaw's Golden Dreams*, 42; *S. F. Herald*, Apr. 7, 1852; *S. F. Bulletin*, Sept. 15, 25, Dec. 4, 1856. The Mexicans called gamblers gremio de Virjan. *Torres, Perip.*, 100. According to *Sac. Directory*, 1853–4, 6–7, two clergymen could be seen at the hells, one as dealer.

The taste for other pastimes rose little above the preceding, as might be expected from a community of men bent on adventure. The bull-fighting of pre-conquest times found such favor, that, not content with the two arenas already existing at the mission, San Francisco constructed two more within her own limits.[59] Here it flourished under official sanction throughout the fifties,[60] but invested with few of the attractions which have tended to maintain its popularity elsewhere, such as knightly matadores, pugnacious bulls, and a fashionable attendance. American women never took kindly to the butchery. California excelled in one feature, however, the spectacle of a fight between bull and bear, if the usually tame contest could be dignified by that term.[61] In cock-fighting the new-comers had little to learn from the Mexicans, although with these the diversion stood under high patronage; but they could offer novelties in the form of regattas, and the less commendable prize-fighting,[62] and in horse and foot racing they soon carried off the honors.[63]

The great resort on Sundays and holidays was the mission, with its creek, gardens, and arenas, and its adjoining hills and marshes which offered for hunters an attractive field. The ride out was in itself an enjoy-

[59] One on Vallejo st, at the western foot of Telegraph hill; another amphitheatre was erected near Washington square. *S. F Herald*, Aug. 10, 1850; *S. F. Directory*, 1850, 126.

[60] *S. F. Bulletin* of Aug. 18, 1859, describes a fight. For scenes and incidents, I refer to my *California Pastoral.*

[61] Bruin usually took a defensive attitude, with his attention riveted on the bull's nose. In fights between bears and dogs, the latter generally fell back shaken and squeezed. *Pac. News*, May 17–18, 1850; *Sac. Transcript*, Oct. 14, 1850; *Barry and Patten's Men and Mem.*, 251. Even Marysville and other northern towns indulged in the sport. *Kelly's Excurs.*, ii. 248–9.

[62] Several notable encounters took place before the great contests of Morrissey in 1852. *Pac. News*, Oct. 17, 1850; *Cal. Courier*, Jan. 1, 4, Oct. 18, 28, 1850; Dec. 13, 1849.

[63] Although not decisively until 1852, when Australian horses were introduced, as related by A. A. Green of aldermanic fame, who claims the credit of constructing in 1850 the first regular track in S. F., between 20th and 24th streets, at the so-called Pavilion, the later Red house. In the interior, camps and towns pitted horses against one another. Foot-races by professionals were usually against time; amateurs often ran in the usual way. *Californian*, Mar. 4, 15, 1848; *Alta Cal.*, Mar. 25, Sept. 15, 1851. In *Hall's Hist.*, 232, is mentioned a race at S. José for $10,000, a man running against a Sonoma horse

ment, notwithstanding the intervening and ofttimes wind-whipped sand hills, and on festive occasions the place was crowded. The lack of ready communication with the opposite shores of the bay confined the people to the peninsula for a time, only to render the more demonstrative the revelry called for by feast days and other joyous occasions, with volleys, crackers, illuminations, and fanciful parades, with caricatures and squibs upon officials, followed by banquets and balls, the latter stimulated by the chilly evenings and frequent potations.[64]

The first public dramatic performances are claimed for the United States garrison at Sonoma in September 1847, and for an amateur company, chiefly Spanish Californians, at San Francisco.[65] About the same time some of the New York volunteers gave minstrel entertainments at Santa Bárbara and Monterey.[66] The gold excitement diverted attention from the drama in 1848,[67] but by the following year professionals from abroad had arrived to supply the reviving demand, and on June 22, 1849, Stephen C. Massett opened a series of entertainments with a concert at the plaza school-house, including songs, recitations, and mimicry, with piano accompaniment.[68] On October 29th, Rowe's

[64] A masquerade ball of Feb. 22, 1845, is described in the *Californian.* Admission to some of the balls of 1849-50 was $25, and more. *Placer Times*, Apr. 22, 1850. The pioneers held a formal new-year's celebration in 1851. July 4th always received its fiery ovation, partly by the use of half-buried quicksilver flasks. St Patrick's day and May day were early introduced by the Irish and Germans. The thanksgiving day of 1849 was fixed for Nov. 29th without official proclamation, observes Williams, *Stat.*, MS., 12-13. New England dinners found favor, and pilgrims' landing day touched a corresponding chord. St Andrews and other societies added their special days. *Roach's Stat.*, MS., 3; *Pac. News*, May 3, Nov. 6, 30, 1850; Jan. 11, Apr. 1, 1851; *S. F. Picayune*, Oct. 30, 1850, etc.; *Cal. Courier*, Sept. 14, Nov. 27, Dec. 2, 1850; Jan. 3, Feb. 1, 1851; *Alta Cal.*, passim.

[65] Which gave the Morayma, relating to the wars of Granada. See *Californian*, Oct. 6, 1847; May 10, Nov. 4, 1848; and my preceding vol., v. 667. The same journal alludes to the Eagle Olympic club association for plays and subscriptions for a theatre *Polynesian*, v. 111.

[66] Details in *S. José Pioneer*, May 4, 1878. A writer in *Solano Press*, Dec. 11, 1867, declares that they first performed at S. F. in March 1847, the first night's receipts being $63.

[67] The Virginia minstrels played with success during the winter, *Star and Cal.*, Dec. 9, 1848, and other amateur efforts may be traced.

[68] Admission $3, which yielded over $500. The crowded audience contained

Olympic circus appeared at San Francisco,[69] with prices at two and three dollars.

The first professional dramatic performance took place at Sacramento on October 18, 1849, in the Eagle theatre,[70] a frail structure which was soon eclipsed by the Tehama. At San Francisco the season began at Washington hall, early in 1850.[71] Five weeks later the first theatre building, the National, was opened,[72] followed among others by Robinson and Everard's Dramatic Museum,[73] Dr Collyer's Athenæum, with prurient model artist exhibitions,[74] and

only four women. Programme reproduced in *Annals S. F.*, 656; *Upham's Notes*, 271–2. The piano is here claimed as the only one in the country, but a writer in *S. José Pion.*, Dec. 1, 1877, shows by letters that four pianos were at S. F. early in 1847, besides the common guitars and harps. *Territ. Pioneers, First An.*, 75.

[69] On Kearny st south of Clay st. Boxes cost $10. The performances began at 7 P. M., and embraced the usual circus features, as given in *Alta Cal.* of following day. This the first play bill is reproduced in *Id.*, Oct. 29, 1864. The circus closed Jan. 17, 1850, to reopen as an amphitheatre on Feb. 4th, with drama, farce, and ring performance. The *Annals S. F.*, 236, calls it a tent holding 1,200 or 1,500 people, and places the prices at $3, $5, and $55. Previous to this, on Oct. 22d, says McCabe, in *Territ. Pioneers*, ubi sup., the Philadelphia minstrels commenced a season at Bella Union hall, tickets $2, and in Dec. 1849 the Pacific minstrels prepared to play at Washington hall, but were prevented by fire.

[70] A frame 30 feet by 95 covered with canvas, metal-roofed, on Front st, between I and J st, which cost $75,000. Admission $2 and $3. The company embraced J. B. Atwater, C. B. Price, H. F. Daley, J. H. McCabe, H. Ray and wife, T. Fairchild, J. Harris, Lt A. W. Wright, whose salaries ranged from $60 per night for Atwater, to $60 per week for Daley. Mrs Ray, with husband, commanded $275 per week, including expenses. *McCabe*, in *Territ. Pioneers, First An.*, 72–5. The total nightly expense was $600. Bayard Taylor, *Eldorado*, ii 31–2, is rather severe on the performance. The season and theatre closed Jan. 4, 1850. The Bandit Chief is mentioned as the opening piece. The Tehama theatre opened soon after under management of Mrs Kirby, later Mrs Stark. *Soc. Illust.*, 12–13; *S. José Pioneer*, Dec. 13, 1877. The Pacific theatre is nearly completed, observes *Placer Times*, Apr. 13, 1850.

[71] Jan. 16th, near N. W. corner of Kearny and Washington, by the Eagle theatre company of Sacramento, whence also this name for the hall, later Foley's. *Pac. News*, Jan. 17, 1850. Allen and Boland figure on the programme, which presented The Wife, and the farce Sentinel; McCabe has Charles II. as an after-piece. Tickets $3.

[72] On the site of the latter Maguire's, Washington st. It was built of brick; opened by a French company, and burned May 4th. It was replaced by the Italian theatre, opened Sept. 12, 1850, at the corner of Jackson and Kearny sts, by a similar company. The short-lived Phœnix theatre was inaugurated March 23d. The following day the Phœnix exchange, on the plaza, presented model artists.

[73] On the north side of California st, west of Kearny st, with partly amateur talent. Everard, known for his Yankee rôles, often assumed female garb. *Cassin's Stat.*, MS., 16.

[74] On Commercial st; tickets $1.

the famed Jenny Lind theatre, opened in October 1850, on the plaza.[75] The resorts which had so far escaped were swept away by the conflagrations of May and June 1851, yet new edifices rose again with little delay. The flush times of a gold country brought many sterling actors, such as Stark, Atwater, Kirby, Bingham, Thorne Sr, who also made their bow at interior towns,[76] but inferior talent preponderated in the race for patronage,[77] the blood and thunder variety gaining favor, especially in the mining region, where the mere appearence of a woman sufficed in early days to insure success.[78] The general effect of the drama was nevertheless good, partly from the moral lessons conveyed, but mainly as a diversion from gambling and drinking resorts.[79] By 1851 there was scarcely a town of 1,000 inhabitants without its hall for entertainments. Mere instrumental proficiency was not so widely appreciated,[80] but female vocalists with sympathetic voices and stirring home melodies never failed to evoke applause which not unfrequently came attended by a shower of presents.[81]

[75] Which eventually after many transformations became what is now known as the old city hall, and which, indeed, is the third Jenny Lind structure, the first having been burned on May 4, 1850, together with several other resorts, and the second in June following. Mde Korsinsky from Naples opened the first on Oct. 28th, assisted by singers, magicians, etc. Adelphi and Foley's amphitheatre were inaugurated in Nov. and Dec., respectively, the former on Clay st, the other on the plaza. The next important edifice was the American theatre on Sansome st, north of Sacramento st, which belongs to 1851. Vallejo hall was used for parties.

[76] Bingham inaugurated a season at Stockton, in the Stockton house, assisted by Snow of Mormon fame. *M'Closkey*, in *S. José Pioneer*, Dec. 13, 1877; *Placer Times*, Apr. 13, 1850. He also opened the regular season at Monterey. *Monterey Herald*, Feb. 13, 1875. Robinson did so at Nevada in June. *Grass Val. Direct.*, 1856, 29–30.

[77] In Dec. 1850 the museum reduced prices one half, although this had only a partial effect elsewhere.

[78] As Taylor, *Eldorado*, ii. 31–2, found even at Sacramento. A Swiss girl here collected $4,000 within six months. Organ grinders started their nuisance at S. F. in Apr. 1850. *Pac. News*, Apr. 30, 1850. A pioneer in the *Oakland Transcript*, Feb. 27, 1872, gives some leading names in the profession. *Barry and Patten, Men and Mem.*, 213.

[79] By ordinance of Sept. 14, 1850, the city authorities sought to close even theatres on Sundays, but the attempt was not successful. Sherman, *Mem.*, i. 29, refers to passion plays in connection with churches.

[80] To judge by the reception in 1850 of the pianist Herz, though highly praised by the *Placer Times*, Apr. 22, 1850, etc. Other concerts took place in Jan. and April.

[81] Gold pieces of $10, $20, and $50 in value came raining down, says Gar-

Sunday became identified with enjoyment rather than solemn devotion. The voyage out had sufficed to break down puritanical habits. In the camps, after a week's arduous pursuit of gold, the day was welcomed for rest, yet not for repose. Mending clothes, washing, baking, and letter-writing occupied one part of it; then came marketing with attendant conviviality, the harvest for traders, saloon-keepers, and their ilk. This routine, more or less prevalent also in the towns, left little leisure for the duties of religion, which for that matter were generally postponed for the return home. In the interior the necessary leaders were lacking, and the fear of ridicule from a rollicking crowd restrained non-professional devotees. Among the multitudes of the cities, however, the clergyman was present, and could always count upon a number of sedate folk who in church attendance found refreshing comfort. The influence of this class, embracing as it did employers and family men, aided by the magnetism of woman, succeeded by the middle of 1850 in establishing seven places of worship, and in extending Sabbath observance, in connection with which education, literature, and art received a beneficent impulse.[82]

The admission of California into the union tended to stamp improvements with the strengthening tone of permanency. With unfolding resources and growing

niss, *Early Days*, MS., 15, 81–9, although smaller pieces were more common. When Kate Hayes gave concerts in the winter of 1851, the first tickets at Sac. and S. F. sold for $1,200 and $1,125, respectively. *Alta Cal*., Feb. 9, 1853. It was proposed to subscribe $500,000 for bringing hither Jenny Lind. *Pac. News*, Jan. 23, 1851. Lecturers fared well. J. S. Hittell appeared as a phrenologist in Dec. 1850. *Cal. Courier*, Dec. 2, 1850. Additional references to amusements in *Id.*, March 31, 1851. McCabe, *Territ. Pioneers, First An.*, 75–8, adds some valuable details on early amusements. *Pac. News*, Oct. 1849–50, passim; *Cal. Scraps, Amuse.*, 5, 253, etc.; *Winans' Stat.*, MS., 18; *Borthwick's Cal.*, 77, 289, 334, 357; *Earll's Stat.*, MS., 6; *S. F. Post*, Feb. 10, 1876; *Sta Cruz Sentinel*, Feb. 20, 1875; *Shaw's Golden Dreams*, 203; *Lloyd's Lights and Shades*, 146–54. Torres, *Perip.*, 145, comments on the means to supply the scarcity of actresses. *Annals S. F.*, 655, etc.; *S. F. Chronicle*, Sept. 9, 1878.

[82] All of which will be considered in later chapters. In Nov. 1849 draymen, among others, resolved to abstain from Sunday work when possible. *Pac. News*, Nov. 10, 1849. It took some years before the smaller towns could be made to adopt similar resolutions. See *Calaveras Chronicle*, Feb. 1855.

population came greater traffic, increased and varied supplies, and new industries, comforts, and conveniences of every grade.

The progression made by California during the first two years of the golden era is remarkable, not only for its individuality, but for its rapidity, and as being taken by a community of energetic and intelligent men, aided by the appliances of their age. The main considerations for the present are the suddenness, magnitude, and mixed composition of the gathering, the predominating and marked influence of Americans from the first, and the peculiar features evolved therefrom, and in connection with the adventurous trip, the mania for enrichment, the general opulence, sex limitation, camp life, and climate. Note especially the reckless self-reliance which braved hardship and dangers by sea and land, in solitude and amidst the mongrel crowd, and marked its advance by upturned valleys and ravines; by the deviated course of rivers, the living evidence of settlements and towns that sprang up in a day, or the mute eloquence of their ruins; by the transformed wilderness and the busy avenues of traffic; by thronged roads and steam-furrowed rivers. Note the lusty exuberance which trod down obstacles and lightly treated reverses; lightened work with the spirit of play, and carried play into extravagance, and all the while tempering avarice with a whole-souled liberality. Note the elevation of labor and equalization of ranks, which, rejecting empty pretensions and exalting honor and other principles, elevated into prominence the best natural types of manhood, physical and mental, for the strain of life in the mines demanded a strong frame and constitution, and in other fields the prizes fell to the shrewd and energetic This wild game and gambol could not pass without deplorable excesses, but even these had a manly stamp. Vice was more prominent than general, however. Deceived by the all-absorbing loudness of its aspect and outcry, writers are led to exaggerate the extent. On the

other hand, the sudden abundance of means exploded economic habits in general, and the prevalence of high prices and speculative ideas, together with the absence of restraining family ties, did not tend to promote prudence.

In this short, spirited race between representatives of all nationalities and classes, save the very poor and the rich, all started under certain primitive conditions, unfettered by traditional and conventional forms, yet assisted by the training and resources derived from their respective cultures. Some aimed short-sightedly only for the nearest golden stake, and this gained, a few retired contented; most of them, however, continued in pursuit of ever-flitting visions. Others, with more forethought and enterprise, enlisted wider agencies, organization, machinery, and for a greater goal; and seizing other opportunities by the way, they multiplied the chances of success in different directions. While accustomed to subdue the wilderness, Yankee character and institutions have here demonstrated their versatility and adaptiveness under somewhat different conditions, and in close contest with those of other nationalities, by taking the decisive lead in evolving from magnificent disorder the framework for a great commonwealth, the progress of which structure is presented in the succeeding chapters.[52]

[52] For fuller and additional authorities bearing on early California society, I refer to *Burnett's Recoll. of Past*, MS., i.–ii., passim; *Bartlett's Statement*, MS., 2–3, 7–9; *Barry and Patten's Men and Mem.*, 46, 61–92, 144–8, 223, 251, 351; *Carson's Early Recoll.*, 21, 25–6, 29; *Janssen's Vida y Av.*, 198; *Armstrong's '49 Experiences*, MS., 8, 12; *Larkin's Doc.*, vi. 41, 43, 51–2, 66, 144, 172, 175, 195, 198; vii. 92, 140, 206, 219, 231, 287, 338; *Clarke's Statement*, MS., 1–2; *Hyde's Hist. Facts on Cal.*, MS., 9–13; *Dow's Vig. Com.*, MS., 2, 5, *Davis' Glimpses*, MS., 265–78; *Farnham's Cal.*, 22–7, 271–4; *Fay's Historical Facts*, MS., 1–3, 10; *Fernandez, Cal.*, 184, 189–92; *Annals of S. F.*, passim; *Du Hailly*, in *Rev. des deux Mondes*, Feb. 15, 1859, 932; *Baver's Statement*, MS., 2–3, 5; *Alger's Young Miner*, passim; *Bouton's Cal. Indians*, MS.; *Arch. Monterey Co.*, xiv. 18; *Beadle's Western Wilds*, 38; *Averill's Life in Cal.*, passim; *Bancroft's Hand-book: A View of Cal.*, 167; *Ariz. Arch.*, iii. 297; *Antioch Ledger*, July 1, 1876; *Barstow's Statement*, MS., 1–4, 7–12; *Cal., The Digger's Hand-book*, 7, 36–41, 49–54, 65–71; *Buffum's Six Months*, 83–4, 117–18, 121, 124; *Dutch Flat Enquirer*, Nov. 26, 1864; *Farwell's Vig. Com.*, MS., 5; *Johnson's Cal and Ogn.* 96–209, 236, 244; *Kelly's Excursion*, ii. 244–9; *Schmiedell's Statement*, MS., 4–6, 145–6; *Frisbie's Reminisc.*, MS., 36–7; *Garniss' Early Days of S. F.*, MS., 8–23, 29–32; *Frink's Vig. Com.*, MS., 25; *Bluxome's Vig. Com.*, MS., 1, 5; *Gerstäcker, Kreutz und Quer*; *Kip's Cal. Sketches*, 18–19; *Lambertie, Voy. Pittoresque*, 202–9; *Lett's Cal. Illust.*, 48–55, 70–129; *Alameda*

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CHAPTER XII.

POLITICAL HISTORY.

1846–1849.

The Slavery Question before Congress—Inaction and Delay—Military Rule in California—Mexican Forms of Civil and Judicial Government Maintained—Federal Officials in California—Governor Mason—Pranks of T. Butler King—Governor Riley—Legislative Assembly—Constitutional Convention at Monterey—Some Biographies—Personnel of the Convention—Money Matters—Adoption of the Constitution—Election.

In the anthem of human progress there is here and there a chorus of events which rolls its magnificent volume around the world, making all that went before or that follows seem but the drowsy murmur of the night. In this crash of chorus we regard not the instruments nor the players, but are lifted from the plane by the blended power of its thousand-stringed eloquence, and under the spell of its mighty harmonies become capable of those great emotions which lead to heroic deeds. The political history of California opens as such a chorus, whose mingling strains, distinctive heard for more than a decade, come from a few heavy-brained white men and four millions of negro slaves.

Calhoun, the great yet sinister Carolinian, knew, when he opposed the conquest of California, that the south, and he more than all, had brought about the event;[1] and while pretending not to desire more ter-

[1] Benton, in the congressional debates of 1847, in which Calhoun opposed the acquisition of more territory, and into which he introduced his firebrand resolutions—see *Cong. Globe*, 1846–7, p. 455—made a clear case against Calhoun, showing unequivocally that either he had three times changed his

ritory, the slave power was covertly grasping at the Spanish-speaking countries beyond the Rio Grande,

policy, or that he was the Machaivelli of American politics. Benton's history of the causes of the war was as follows: 'The cession of Texas is the beginning point in the chain of causes which have led to this war; for unless the country had been ceded away there could have been no quarrel with any power in getting it back. For a long time the negotiator of that treaty of cession [Mr J. Q. Adams] bore all the blame of the loss of Texas, and his motives for giving it away were set down to hostility to the south and west, and a desire to clip the wings of the slave-holding states. At last the truth of history has vindicated itself, and has shown who was the true author of that mischief to the south and west. Mr Adams has made a public declaration, which no one controverts, that that cession was made in conformity to the decision of Mr Monroe's cabinet, a majority of which was slave-holding, and among them the present senator from South Carolina [Mr Calhoun], and now the only survivor of that majority. He does not contradict the statement of Mr Adams; he therefore stands admitted the co-author of the mischief to the south and west which the cession of Texas involved, and to escape from which it became necessary, in the opinion of the senator from South Carolina, to get back Texas at the expense of a war with Mexico. This conduct of the senator in giving away Texas when we had her, and then making war to get her back, is an enigma which he has never yet condescended to explain, and which until explained leaves him in a state of self-contradiction, which, whether it impairs his own confidence in himself or not, must have the effect of destroying the confidence of others in him, and wholly disqualifies him for the office of champion of the slave-holding states. It was the heaviest blow they had ever received, and put an end, in conjunction with the Missouri compromise and the permanent location of the Indians west of the Mississippi, to their future growth or extension as slave states beyond the Mississippi. The [Missouri] compromise, which was then in full progress, and established at the next session of congress, cut off the slave states from all territory north and west of Missouri, and south of 36½° of north latitude; the treaty of 1819 ceded nearly all south of that degree, comprehending not only Texas, but a large part of the valley of the Mississippi on the Red River and the Arkansas, to a foreign power, and brought a non-slave-holding empire to the confines of Louisiana and Arkansas; the permanent appropriation of the rest of the territory for the abode of civilized Indians swept the little slave-holding territory west of Arkansas, and lying between the compromise line and the cession line, and left the slave states without one inch of ground for their future growth. Even the then territory of Arkansas was encroached upon. A breadth of 40 miles wide and 300 long was cut off from her and given to the Cherokees; and there was not as much territory left west of the Mississippi as a dove could have rested the sole of her foot upon. It was not merely a curtailment but a total extinction of slave-holding territory; and done at a time when the Missouri controversy was raging, and every effort made by northern abolitionists to stop the growth of the slave states. [The northern states, in 1824, gave nearly as large a vote for Calhoun for vice-president as they did for Adams for president.] The senator from South Carolina, in his support of the cession of Texas, and ceding a part of the valley of the Mississippi, was then the most efficient ally of the restrictionists at that time, and deprives him of the right of setting up as the champion of the slave states now. I denounced the sacrifice of Texas then, believing Mr Adams to have been the author of it; I denounce it now, knowing the senator from South Carolina to be its author; and for this, his flagrant recreancy to the slave interest in their hour of utmost peril, I hold him disqualified for the office of champion of the 14 slave states, and shall certainly require him to keep out of Missouri and to confine himself to his own bailiwick when he comes to discuss his string of resolutions. I come

as it had at the lands beyond the Sabine, the whole to become a breeding-ground for millions more of

now to the direct proofs of the authorship of the war, and begin with the year 1836, and with the month of May of that year, and with the 27th day of that month, and with the first rumors of the victory of San Jacinto. The congress of the United States was then in session; the senator from South Carolina was then a member of this body; and without even waiting for the official confirmation of the great event, he proposed at once the immediate recognition of the independence of Texas, and her immediate admission to the union. He put the two propositions together—recognition and admission. ...Mr Calhoun was of opinion that it would add more strength to the cause of Texas to wait a few days until they received official confirmation of the victory and capture of Santa Ana, in order to obtain a more unanimous vote in favor of the recognition of Texas....He had made up his mind, not only to recognize the independence of Texas, but for her admission into this union; and if the Texans managed their affairs prudently, they would soon be called upon to decide that question. There were powerful reasons why Texas should be a part of the union. The southern states, owning a slave population, were deeply interested in preventing that country from having the power to annoy them; and the navigating and manufacturing interests of the north and east were equally interested in making it a part of this union. He thought they would soon be called on to decide these questions; and when they did act on it, he was for acting on both together—for recognizing the independence of Texas and for admitting her into the union....He hoped there would be no unnecessary delay, for in such cases delays were dangerous; but that they would act with unanimity and act promptly. Here, then, is the proof that ten years ago, and without a word of explanation with Mexico or any request from Texas—without the least notice to the American people, or time for deliberating among ourselves, or any regard to existing commerce—he was for plunging us into instant war with Mexico. I say, instant war; for Mexico and Texas were then in open war; and to incorporate Texas was to incorporate the war at the same time....I well remember the senator's look and attitude on that occasion—the fixedness of his look and the magisteriality of his attitude. It was such as he often favors us with, especially when he is in a crisis, and brings forward something which ought to be instantly and unanimously rejected, as when he brought in his string of abstractions on Thursday last. So it was in 1836—prompt and unanimous action, and a look to put down opposition. But the senate were not looked down in 1836. They promptly and unanimously refused the senator's motion....The congress of 1836 would not admit Texas. The senator from South Carolina became patient; the Texas question went to sleep, and for seven good years it made no disturbance. It then woke up, and with a suddenness and violence proportioned to its long repose. Mr Tyler was then president; the senator from South Carolina was potent under his administration, and soon became his secretary of state. All the springs of intrigue and diplomacy were immediately set in motion to resuscitate the Texas question, and to reinvest it with all the dangers and alarms which it had worn in 1836...all these immediately developed themselves, and intriguing agents traversed earth and sea, from Washington to Texas, and from London to Mexico.' I will now give a part of a letter, which Benton puts in evidence, from the Texan minister, Van Zandt, to Upsher, the American sec. of state, in Jan. 1844, and the reply of Calhoun, his successor, in April. 'In view, then, of these things,' said the Texan minister, 'I desire to submit, through you, to his excellency, the president of the U. S., this inquiry: Should the president of Texas accede to the proposition of annexation, would the president of the U. S., after the signing of the treaty and before it shall be ratified and receive the final action of the other branches of both governments, in case Texas should desire it, or with her consent, order such number of the military and naval

human chattels. To the original slave territory had been added, by consent of congress, the Floridas, which cost $45,000,000 in a war, and $5,000,000 decency money to bind the bargain; Louisiana, which cost $15,000,000, or as much of it as made three states; Texas, which cost $28,000,000 in the form of the Mexican war, and before we were done with it, between $18,000,000 and $19,000,000 in decency money. That the government was able to reimburse itself through the conquest of California does not affect the justice of the charge against the southern politicians, who were always ready with their cry of northern aggression,[2] and the unconstitutionality of northern acts, while gathering to themselves all the acquired ter-

forces of the U. S. to such necessary points or places upon the territory or borders of Texas or the gulf of Mexico as shall be sufficient to protect her against foreign aggression? This communication, as well as the reply which you may make, will be considered by me entirely confidential, and not to be embraced in my regular official correspondence to my government, but enclosed direct to the president of Texas for his information.' To this letter Upsher made no reply, and six weeks afterward he died. His temporary successor, Attorney-general Nelson, did reply indirectly, but to say that the U. S. could not employ its army and navy against a foreign power with which they were at peace. Calhoun, however, when he became sec. of state, wrote: 'I am directed by the president to say that the secretary of the navy has been instructed to order a strong naval force to concentrate in the gulf of Mexico to meet any emergency; and that similar orders have been issued by the secretary of war, to move the disposable military forces on our southern frontier for the same purpose.' *Cong. Globe*, 1846-7, 494-501. I have not room for further quotations, but this is enough to show the southern authenticity of the Mexican war, which the democratic administration of Polk brought to a crisis in 1845-6, but which was ready prepared to his hand at the moment of his inauguration, by the scheming of the most bitter opponent of conquest —after the restriction of slavery began again to be agitated.

[2] No more convincing reference could be made to prove the conciliatory spirit of the free states than the constitution itself, nor to show that they regarded slavery as local and temporary. Section 9 of article 1 declares: 'The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the congress previous to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.' The slave states were fewer in number and more thinly settled than the free states; therefore the latter, to equalize the power of the two sections, and secure the federation of all the states, made important concessions; and while saying that 'no capitation or direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken,' and that representation should be determined by numbers, says further, 'which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons,' meaning three fifths of the slaves in the slave states, which were not subject to taxation, though held as property, and though not acknowledged to be men, were represented in congress. See sec. 1, article 1, of the constitution.

ritory, enjoying privileges of exemption from just taxation, and having excessive representation in congress and a preponderance of the political patronage. The north, in 1846, had more than twice the free voting population of the south, while the south had more states than the north,[3] consequently more votes in the United States senate, with the privilege of a property representation in the lower house. Such was the aggressiveness of the north toward the south, of which for a dozen years we heard so much in congress.[4]

It was said in seeming earnest that the south had not desired the acquisition of Mexican territory. This was but a feint on the part of the southern leaders. The whigs of the north and south, in the senate, opposed the war policy, while the democrats favored it. Nor was it different in the house of representatives. Yet when it came to be voted upon, the matter had gone past the nation's power to retract, and the last $3,000,000 was placed in the president's hands by a nearly equal vote in the senate, and a large majority in the house. Having done the final act, the people could exult in their new possessions, and elect a whig to the presidency for having been the conquering hero in the decisive Mexican battles.

The conquest of California had been a trifling mat-

[3] At the period when these discussions were being carried on, Feb. 1847, the northern or free states were Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Illinois, Indiana, Iowa, and Michigan, 14. The southern or slave states were Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Kentucky, Tennessee, Missouri, Arkansas, and Texas, 15. In August Wisconsin was admitted, which restored the balance in the senate. The struggle which followed over the admission of California was a battle for political supremacy as well as for slave territory. That this cause underlying this strife has been removed, the nation should be profoundly grateful.

[4] Schenk of Ohio, speaking to the house of representatives, said: 'This much we do know in the free states, if we know nothing else, that a man at the south with his hundred slaves counts 61 in the weight of influence and power upon this floor, while the man at the north with his 100 farms counts but 1. Sir, we want no more of that; and with the help of God and our own firm purpose we will have no more of it.' *Cong. Globe*, vol. 18, 1847–8, 1023.

ter, mere guerrilla practice between a few hundred American settlers of the border class and a slightly larger force of Californians. At the proper juncture the former were given aid and comfort by the United States military[5] and naval forces, and the conquest had cost little bloodshed. It is true, there was a revolt, which was cut short by the treaty of Cahuenga in January 1847. There was the irony of fate in what followed the conquest, first planned by southern politicians, and accomplished in defiance of their subsequent opposition; namely, the contemporaneous discovery of gold, and the influx of a large population, chiefly from the northern states. As to the real Californians, those of them who had not been masters had once been slaves, and they now would have only freedom.

The idea of conquest in the American mind has never been associated with tyranny.[6] On the contrary, such is the national trust in its own superiority and beneficence, that either as a government or as individuals we have believed ourselves bestowing a precious boon upon whomsoever we could confer in a brotherly spirit our institutions. And down to the present time the other nations of the earth have not been able to prove us far in the wrong in indulging this patriotic self-esteem. But there are circumstances which obstruct all transitions of this nature, and temptations which being yielded to by individuals impart an odor of iniquity to governments which they have not justly merited. It was so when soldiers

[5] Prof. Josiah Royce, of Harvard college, by philosophic reasoning as well as by collateral evidence, arrives at similar conclusions. *Study of American Character.*

[6] Luis G. Cuevas, sec. of interior and foreign relations of Mexico, in his report to congress of 5th Jan., 1849, speaking of the treaty of Guadalupe Hidalgo, says that the future of the Californians was an object of deep solicitude to the govt and congress, and to the plenipotentiaries of Mexico, 'and the relative stipulations of the treaty, and the measures subsequently taken to diminish their misfortune, make evident how deep is the feeling caused by the separation from the national union of Mexicans, those so worthy of protection, and of marked consideration.' *Mex. Mem. Relac.*, 1849, p. 14. So far as the Californians were concerned, they were ripe for separation, as the secretary must have known.

of the Castilian race, under the seeming authority of the Spanish rulers at Madrid, robbed and massacred the native races of this continent, notwithstanding the mandate not to commit these crimes against humanity. It is so to-day, when the cry is daily going up against our Indian policy, which thoughtfully examined in the light of history is in some respects an enlightened and christian policy; for instead of reducing the savages to slavery or taxing them to support the government of the invader, it simply kills them, the few survivors being supported and educated at public expense. It is a wise policy, a humane policy, but in the hands of vile politicians and their creatures, it results in acts that satisfy Satan most of all. Still, if certain Americans, being possessed of the souls of sharks rather than of men, contrived by the aid of laws maleadministered to swallow up the patrimony of many a Juan and Ignacio of this dolce far niente land, it cannot be said that the United States was an intelligent party to the scandal.

When Commodore Sloat, at Monterey, in July 1846, proclaimed California free from Mexican rule, and a territory of the United States, he exercised no tyrannous authority, simply informing the people that until the United States should erect a government they would be under the authority and protection of military laws.[7] He assured them that their rights of conscience, of property, and of suffrage should be respected; that the clergy should remain in possession of the churches; and that while the manufactures of the United States would be admitted free of duty, about one fourth of the former rates would be charged on foreign merchandise. Should any not wish to live under the new government as citizens of it, they would be afforded every facility for selling their property and retiring from the country. Should they prefer to remain, in order that the peace of the country and

[7] *Hall, Hist. San José*, 148–50

the course of justice should not be disturbed, the prefects of districts and alcaldes[8] of municipalities were to retain their offices, and continue the exercise of the functions pertaining to them in the same manner as formerly. Provisions furnished the United States officers and troops should be fairly purchased, and the holders of real estate should have their titles confirmed to them. Such were the promises and intentions of the government, reiterated from time to time by the military governors.

In the disquiet incident to a sudden change of government, it happened that Americans not infrequently were appointed to the office of alcalde, to fill vacancies occurring through these disruptive conditions. Walter Colton, the American alcalde at Monterey, exercising the unlimited authority conferred upon him by the office, impanelled the first jury ever summoned in Monterey, September 4, 1846, composed one third

[8] *Bidwell, 1841 to 1848*, MS., 231. The district of Sonoma was bounded by S. F. Bay, the ocean, the Oregon line, and the Sac. River; the Sac. district, the territory east of the Sacramento, and north and east of the San Joaquin; and so on. There was an alcalde wherever there was a settlement. *Crosby's Statement*, MS., 16. It was not necessary that an alcalde should know much about written law or precedents. In both civil and criminal suits brought before him his decisions were final, the penalties being severe and invariably applied. *Burnett, Recoll.*, MS., ii. 143. The punishment of stealing, the most common crime, was for Mexicans a fine, and for Indians whipping. The Californians had no penitentiary system, nor work-houses. Colton, who was appointed by Stockton alcalde of Monterey, July 28, 1846, introduced compulsory labor for criminals, and before the end of a month had 8 Indians, 3 Californians, and one Englishman making adobes, all sentenced for stealing horses or cattle. Each must make 50 adobes per day; for all over that number they were paid a cent a piece, the total of their weekly earnings being paid every Saturday night. A captain was put over them, chosen from their own number, and no other guard was required. *Three Years in Cal.*, 41–2. Colton was chaplain on board the ship *Congress* when appointed. He held the position only until Sept. 15th, when he returned to his duties on board the ship. He really discharged the duties of prefect, for, he says: 'It devolved upon me duties similar to those of a mayor of one of our cities, without any of those judicial aids which he enjoys. It involves every breach of the peace, every case of crime, every business obligation, and every disputed land-title within 300 miles. From every other alcalde's court in this jurisdiction there is an appeal to this, and none from this to any higher tribunal. Such an absolute disposal of questions affecting property and personal liberty never ought to be confided to one man. There is not a judge on any bench in England or the United States whose power is so absolute as that of the alcalde of Monterey.' Colton held under a military commission, succeeding the purser of the *Congress*, R. M. Price, and the surgeon, Edward Gilchrist. After the 15th of Sept. the office was restored to its civil status, the incumbent being elected by the people.

each of native Californians, Mexicans, and Americans. The case being an important one, involving property on one side and character on the other, and the disputants being some of the principal citizens of the county, it excited unusual interest, to which being added the novel excitement of the new mode of trial, there was created a profound impression. By means of interpreters, and with the help of experienced lawyers, the case was carefully examined, and a verdict rendered by the jury of mixed nationalities, which was accepted as justice by both sides, though neither party completely triumphed. One recovered his property which had been taken by mistake, and the other his character which had been slandered by design.[9] With this verdict the inhabitants expressed satisfaction, because they could see in the method pursued no opportunity for bribery They had yet to learn that even juries could be purchased.

Stockton, who succeeded Sloat, acted toward the Californian population in the same conciliatory spirit. The strife in 1847 was not between them and the military authorities, but between the military chiefs, who each aspired to be the first to establish a civil government in the conquered country, as I have shown in a previous volume.[10] Kearny claimed that he had been instructed by the secretary of war to march from Mexico to California, and to "take possession" of all the sea-coast and other towns, and establish civil government therein. When he arrived, possession had already been taken, and a certain form of government, half civil and half military, had been put in operation. Stockton had determined upon Frémont as military commander and governor, who was to report to him as commander-in-chief. Kearny would have made Frémont governor had he joined him against Stockton. On January 19, 1847, Frémont assumed the civil government, with William H. Russell secretary of state,

[9] *Colton's Three Years in Cal.*, 47.
[10] *Hist. Cal.*, v. 444–51, this series.

under commissions from Stockton. A legislative council was appointed, consisting of Juan Bandini, Juan B. Alvarado, David Spence, Eliab Grimes, Santiago Arguello, M. G. Vallejo, and T. O. Larkin, summoned to convene at Los Angeles, March 1st; but no meeting was ever held. Finally, the authorities at Washington ordered Frémont to return to the capital as soon as his military services could be dispensed with. There was a new naval commander in January, Shubrick, who sided with Kearny. Together they issued a circular, in which Kearny assumed executive powers, fixing the capital at Monterey. The country was to be held simply as a conquest, and as nearly as possible under the old laws, until such time as the United States should provide a territorial government. In June, Kearny set out for Washington with Frémont. In July, Stockton also took his departure. The person left in command of the land forces, and to act as governor, was R. B. Mason, colonel 1st dragoons, who, perceiving the rock upon which his predecessors had split, confined his ambition to compliance with instructions, and who ruled as acceptably as was possible under the anomalous condition of affairs in the country.

In October, Governor Mason visited San Francisco, where he found a newly elected town council. On taking leave, after a flattering reception, he addressed a communication to the council,[11] reminding them that their jurisdiction was limited to the territory embraced by the town limits, which the alcalde[12] was directed to

[11] The council consisted of William Glover, William D. M. Howard, William A. Leidesdorff, E. P. Jones, Robert A. Parker, and William S. Clark. Howard, Jones, and Clark were chosen a committee to draught a code of municipal laws. Under these regulations George Hyde was first alcalde, and was not popular. The second alcalde, for there were two, was T. M. Leavenworth. Leidesdorff was nominated town treasurer, and William Pettet secretary of the council. At the same meeting the council imposed a fine of $500, and 3 months' imprisonment on any one who enticed a sailor to desert, or who harbored deserting seamen. Certain odious conditions in the titles to town lots were removed.

[12] Washington A. Bartlett, a lieutenant attached to a U. S. vessel, was the first American alcalde of S. F., appointed in Jan. 1847, and responsible for the restoration of name from Yerba Buena to the more sonorous, well-

determine without unnecessary delay; that their duties were prospective, not retrospective; warning them against abrogating contracts made by previous authorities, further than to exercise the right of appeal in the case of injurious regulations, and advising the council to keep the municipality free from debt. Three petitions being presented to him for the removal of the then alcalde, he ordered an investigation of the charges, which resulted in the resignation of that officer and the appointment of another in his place. Having settled these affairs, Mason returned to Monterey; and from the proceedings here hinted at may be inferred how rapidly, even at this date, the country was becoming Americanized, the best evidence of which was the freedom with which the existing institutions were assailed by the press, represented by two weekly newspapers, both published at San Francisco.

As early as February 13, 1847, the *California Star* urged the calling of a convention to form a constitution for the territory, justifying the demand by railing at the existing order of things. The author of these tirades was Doctor Semple, of whom I shall have more to say hereafter, and whom Colton calls his "tall partner." "We have alcaldes," he said, "all over the country, assuming the power of legislatures, issuing and promulgating their bandos, laws, and orders, and oppressing the people." He declared that the "most nefarious scheming, trickery, and speculating have been practised by some." He spoke prophetically of what was still in the future rather than of

known, and saintly appellation which it now bears. It had at this time 300 inhabitants, 50 adobe houses, and a weekly newspaper, the *California Star*, owned by Sam Brannan and edited by E. P. Jones. In May the *Californian*, started at Monterey Aug. 15, 1846, was removed to S. F. During Bartlett's administration Jasper O'Farrell surveyed and planned the city. Some dissatisfaction existed with the grants made by his successor, Hyde, who was appointed Feb. 22, 1847. He was succeeded by Edwin Bryant, author of *What I Saw in California*, who returned to the states with Kearny and Frémont. Hyde was again appointed, and was succeeded, as I have said, by J. Townsend, T. M. Leavenworth, and J. W. Geary, the last alcalde and first mayor of S. F.

anything of which complaint had been made at that time. Before the end of the year, however, causes of dissatisfaction had multiplied with the population,[13] and the "inefficient mongrel military rule" was becoming odious. Some of the alcaldes refused to take cognizance of cases involving over $100; but the governor failing to provide higher tribunals, they were forced to adjudicate in any amount or leave such cases without remedy; and the authority they exercised, which combined the executive, legislative, and judicial functions in their persons, constantly became more potential, and also more liable to abuse. But there was no help for the condition of public affairs until the United States and Mexico should agree upon some treaty terms by which military rule could be suspended and a civil government erected.

The year 1848 opened with the discovery that the territory acquired by the merest show of arms, and for which the conquering power was offering to pay a friendship-token of nearly twenty millions, was a gold-field, which promised to reimburse the purchaser. It had hardly become known in California, and was unknown in Mexico and the United States, when on the 2d of February, 1848, the treaty of Guadalupe Hidalgo was signed;[14] nor was it fully substantiated at the seat of government when, on the 19th of June, the treaty was proclaimed by the president. The news did not reach California until August, when it was here proclaimed on the 7th of that month.

Mason seems to have been at his wit's end long before this. He was undoubtedly favorable to the project of a civil government, and he was aware that the administration secretly held the same views. Polk understood the American people—they had given him a precedent in Oregon. When Mason had reason to think that any day he might receive despatches from Washington appointing a governor, and furnishing a

[13] *California Star*, Jan. 22, 1848.
[14] *Hist. Mex.*, v. 542, this series.

code of laws for the temporary government of the country, he drew back from the responsibility. But the rush and roar of the tide being turned upon the country by the gold discovery staggered him. In June he visited the mines to judge for himself of the necessity for political action.[15] When he issued his proclamation of the treaty two months later, he announced that he had instructions from Washington "to take proper measures for the permanent occupation of the newly acquired territory;"[16] and in consonance with this declaration he formally promulgated a code, printed in English and Spanish.[17] With this the American population were not satisfied, insisting on a complete territorial organization, such as he had no authority to establish.[18]

San Francisco was, unlike Monterey, Los Angeles, and San José, to all intents an American town, whose inhabitants demanded security for their persons and property, and titles to their real estate. But this was by no means the sole or most urgent cause of anxiety to the governor.[19] Early in the spring there had ar-

[15] *Larkin, Doc.*, vi. 135.

[16] *Californian*, S. F., Sept. 2, 1848, iv., p. 1.

[17] *Id.*, Aug. 14, 1848, iii. 2.

[18] *Hyde, Statement*, MS., 11.

[19] The Americans, Mason knew, could take care of themselves. They had already organized the San Francisco guards. A meeting was held Sept. 2d in the public building on Portsmouth square. It was called to order by P. A. Roach; J. C. Ward was appointed chairman, and R. M. Morrison secty. Officers elected: Edward Gilbert, captain; James C. Ward, 1st lieut; James C. Leighton, 2d lieut; William Grove, 3d lieut; W. D. M. Howard, 1st sergt; A. J. Ellis, 2d sergt; George W. Whittock, 3d sergt; James Lee, 4th sergt; corporals, Francis Murray, A. Durkin, Daniel Leahy, Ira Blanchard; surgeon, W. C. Parker; quartermaster, E. H. Harrison; paymaster, R. M. Sherman. Civil officers of the corps selected were, prest, T. R. P. Lee; 1st vice-prest, James Creighton; 2d vice-prest, R. M. Morrison; treasurer, A. A. Brinsmade; secty, H. L. Sheldon. A committee was appointed to address the governor, asking for a loan of arms. *Californian*, S. F., Sept. 9, 1848, iii., p. 3. On the 24th of Sept., 1849, bids were received by the Guards for the erection of a building on the corner of Jackson and Dupont sts, 40x55 ft, 3 stories high. The contract was given to John Sime at $21,000. Such a building would be worth in 1878 about $2,500. *Williams' Statement*, MS., 10–11. A branch organization was formed at Sac. in 1850, called the Sacramento guards, having 64 members. The officers were David McDowell, capt.; Henry Hale, 1st lieut; W. H. Crowell, 2d lieut; James Queen, 3d lieut; sergts, 1st, H. G. Langley; 2d, B. B. Gore; 3d, C. C. Flagg; 4th, W. H. Talmage; corporals, L. I. Wilder, G. L. Hewitt, T. H. Borden, W. E. Moody; clerk, W. R. McCracken. *Sac. Transcript*, Aug. 30, 1850; *Bluxome*, MS., 6, 20.

rived a number of vessels with troops, despatched to California in the autumn of 1849, while the Mexican war was in progress.[20] Such were the temptations offered by the gold mines that the seamen deserted, leaving their vessels without men to navigate them. The newly arrived soldiers did the same,[21] and it was found necessary to grant furloughs to the men, to give them an opportunity to try their fortunes in gold-getting.[22]

On the arrival of Commodore T. Ap Catesby Jones, in October, he felt compelled to offer immunity from punishment to such deserters from the navy as were guilty of no other offence than desertion. This clemency was based upon the information, real or pretended, that many of them were in distress,[23] and deterred from returning to duty only by their fears; but the majority of seamen were by no means eager to forsake the mines for the forecastle, or the chances of a fortune for a few dollars a month and rations. In August, Mason wrote to the quartermaster-general of the army that, in consequence of the quantity of gold obtained in the country, cash—meaning silver coin—was in great demand, and that drafts could not be negotiated except at a ruinous discount. At the same time, disbursements were heavy, in consequence of the small garrisons, and the necessity of hiring laborers and guards for the quartermaster storehouses, at "tremendous wages;" namely, from $50 to $100 monthly.[24]

[20] There was the *Anita*, purchased by the govt for the quartermaster's dept, and placed under past midshipman Selim E. Woodworth, who it will be remembered arrived overland with the Oregon immigration the previous year. She is mentioned in the *California Star*, Feb. 26, 1848. She was armed with two guns, to be used as a man-of-war on the upper California coast, and manned with seamen from the sloop-of-war *Warren* at Monterey. The ships *Isabella* and *Sweden* arrived in Feb. with recruits for N. Y. vols., who were employed in garrisoning the Cal. military posts. The *Huntress* arrived later with recruits, who nearly all deserted. *H. Ex. Doc.*, 31, i., no. 17, pp. 648–9.

[21] The history of the arrival in Cal. of Comp. F, 3d artillery, Jan. 1847, the N. Y. volunteers in March 1847 and Feb. 1848, and a battalion of dragoons from Mexico in Aug. 1848, is given in my *Hist. Cal.*, v., ch. xix.

[22] *Lancy, Cruise of the Dale*, 222; *Grimshaw, Narr.*, MS., 12–13.

[23] *Californian*, S. F., Dec. 23, 1848.

[24] *H. Ex. Doc.*, 17, p. 641. See order of A. A. Adjut. W. T. Sherman

It was indeed a difficult position to occupy, that of chief in a country where the forts were without soldiers, ordnance without troops enough to guard it, towns without able-bodied men left in them; a colonial territory without laws or legislators, or communication with the home government, or even with the navy, for many months. "The army officers," writes one of them, "could have seized the large amount of funds in their hands, levied heavily on the country, and been living comfortably in New York for the last year, and not a soul at Washington be the wiser or worse for it. Indeed, such is the ease with which power can go unchecked and crime unpunished in this region, that it will be hard for the officers to resist temptation; for a salary here is certain poverty and debt, unless one makes up by big hauls." That temptations were not yielded to under these circumstances[25] redounds to the honorable repute of disbursing officers and collectors of the special war tax known afterward as the civil fund.

This was a duty levied on imports by the United States authorities in California during the military occupation of and previous to the extension of custom-house laws over the country,[26] and amounted in 1849 to $600,000. The custodian of this fund in 1848 at San Francisco was Assistant Quartermaster Captain J. L. Folsom, who was under no bonds, and account-

relative to purchasing or receiving arms, clothing, etc., from deserters, in *California Star*, June 14, 1848.

[25] Reference to the *Cal. Star and Californian* of Dec. 9 and 16, 1848, reveals the fact that Gov. Mason and his adjutant, Sherman, were driven by inadequate salaries to attempt some unofficial operations to eke out a living. Charles E. Pickett, who, whether he was on the banks of the Willamette, the shores of S. F. Bay, or among the peaks of the Sierra, was always critic-in-chief of the community afflicted with his presence, was the author of charges against these officers, and against Capt. Folsom, which had their foundation in these efforts. Sherman tells us in his *Memoirs*, 64–5, that Mason never speculated, although urged to do so; but 'did take a share in the store which Warner, Bestor, and I opened at Coloma, paid his share of the capital, $500, and received his share of the profits, $1,500. I think he also took a share in a venture to China with Larkin and others; but on leaving Cal. was glad to sell out without profit or loss.' Com. Jones was convicted in 1851 of speculating in gold-dust with govt funds, and sentenced to suspension from the navy for 5 years, with loss of pay for half that time.

[26] *Gwin, Memoirs*, MS., 40, 111; *Crosby, Events in Cal.*, MS., 43.

able to no one except his commanding officer. He was, in fact, collecting duties from American importers as if he were the servant of a foreign power, whereas he was, in that capacity, the servant of no power at all, there being no government existing in California after the 30th of May, 1848. The fund, however, proved a very convenient treasury to fall back upon during the no-government period, as we shall see hereafter.[27]

Notwithstanding the treaty, the opinion was prevalent that congress would fail to establish a territorial government, it being well understood that the question of slavery would obstruct the passage of a territorial bill, but the difficulties already referred to, with the necessity for mining laws and an alarming increase in crime, furnished sufficient ground on which the agitators might reasonably demand an organization, or at least a governor and council, which they insisted that Mason, as commander of the United States forces, had the power to appoint. But Mason knew that while the president would willingly enough have conferred on him this power, had he himself possessed it, without the consent of congress, no such authority existed anywhere out of congress; and what the president could not do, he could not undertake. The agitators were thus compelled to wait to hear what action had been taken by congress before proceeding to take affairs in their own hands.

The subject received a fresh impetus by the arrival in November of Commodore Jones, with whom Mason had a conference. It was agreed between them that

[27] There was no system of direct taxation existing in California before it become a state of the union. The only revenue Mexico derived from it was that produced by a high tariff on imports. The 'military contributions,' as the U S govt was pleased to denominate this revenue, diverted to itself, have been the subject of much discussion. Dr Robert Semple, in an article in the *Californian* of Oct 21, 1848, states that there was no show of right to collect this tariff after the war had ceased, but that the ports, coasts, bays, and rivers of Upper California were 'as free as the island of Juan Fernandez,' in point of fact, until the revenue laws of the U. S. were extended over them. But the collection went on, and the American shipping-masters and merchants paid it.

should congress prove to have adjourned without providing a government for California, the people should be assisted to organize a temporary constitution for themselves,[28] and Mason was understood as promising to turn over to the provisional government the civil service fund, above alluded to,[29] for its expenses.

Time passed, and the last vessel on which any communications from Washington could be hoped for had arrived, while the agitators openly declared that the government evidently intended that they, its military officers, should have taken the responsibility of making matters easy for the people in the establishment of a civil organization, the inference being that they were exercising unjustifiable power in impeding it. An agent was, however, actually on his way at that moment, who was commissioned to observe and report upon the character and disposition of the inhabitants, with a view to determining whether it were wise or not to encourage political movements in California, in the event of the struggle in congress over slavery being prolonged. The letter of instructions furnished to this agent[30] by Secretary Buchanan contained, indeed, no such admission. On the contrary, after expressing the regrets of the president that California had not received a territorial government, the secretary "urgently advised the people of California to live peaceably and quietly under the existing government," consoling themselves with the reflection that it would endure but for a few months, or until the next session of congress. But to live peaceably and quietly under the government de facto, half Mexican and half mili-

[28] *Califonian*, S. F., Oct. 21, 1848; *Tuthill, Hist. Cal.*, 247.

[29] *Unbound Doc.*, MS., 140–1; *Star and Californian*, Nov. 18, 1848.

[30] William V. Voorhies was the agent employed by the postmaster-general to make arrangements for the establishing of post-offices, and for the transmission, receipt, and conveyance of letters in Oregon and California.' To him was intrusted the secretary's open message to the people of Cal., and such instructions as concerned more private matters. Buchanan's letter recognizing the govt left at the termination of the war as still existing and valid, when not in contradiction to the constitution of the U. S., is found in *Amer. Quart. Reg.*, iv. 510–13; and in *Ex. Doc.*, i., accompanying the president's message at the 2d sess. of the 30th cong.

tary, was what they had decided they were unable to do. Before the message arrived they had begun to act upon their own convictions, and were not likely to be turned back.[31] Meantime, to the population already

[31] Proofs of this were not lacking. Mrs Hetty C. Brown of S. F., having been deserted by her husband, applied to the governor for a divorce in Dec. 1847. He decided that neither he nor any alcalde had the authority to grant a divorce; but gave it as his opinion that there being no law in Cal. on the subject of divorce, and she being left without any support, she might view her husband as dead, so far as she was concerned. *Unbound Doc.*, MS., 137. Continual complaints were made of the alcaldes. Pickett wrote to Gen. Kearny, in March 1849, that John H. Nash, alcalde at Sonoma, was ignorant, conceited, and dogmatical, and governed by whims; he was also under the influence of a pettifogger named Green. The unrestricted powers assumed by these magistrates were laying the foundations for much litigation in the future when their decisions would be appealed from. J. S. Ruckel wrote to the gov. Dec. 28th on the affairs of the pueblo of San José that 'matters which were originally bad are growing worse and worse—large portions of the population lazy and addicted to gambling have no visible means of livelihood, and of course must support themselves by stealing cattle or horses....Wanted, an alcalde who is not afraid to do his duty, and who knows what his duty is.' On the other hand, there were complaints that Monterey was frequently visited by 'American desperadoes, who committed assaults on the native population, and defied the authorities. They were at last put down; some were shot on the spot, and some were afterwards disposed of by lynch law.' *Roach, Facts, on California*, MS., 5. Charles White, alcalde of San José, wrote to Gov. Mason in March 1848, that he had received information of 60 men organizing, and daily receiving recruits, who had constant communication with volunteers in the service, who had in view to soon attack the prison at Monterey and release the prisoners. 'They also have formed the plan of establishing an independent government in California. They are well armed; the good people of the country standing in fear of exposing these people, lest they might be killed in revenge.' *Unbound Doc.*, MS., 169. Immigrants had taken possession of the missions of San José and Santa Clara, injured the buildings, and destroyed the vineyards and orchards, having no respect to any part of them except the churches. At the same time wild Indians were making organized and successful raids on the stock belonging to Americans and immigrants, and were aided by the mission Indians. W. G. Dana writing from San Luis Obispo in June 1847, complained that 'society was reduced to the most horrid state. The whole place has for a long time past been a complete sink of drunkenness and debauchery.' Murders were also reported by the alcalde. Affairs were a little less deplorable at the more southern missions, where lawless persons, both native and foreign, committed depredations on mission property everywhere. In July 1848 a meeting was held at S. F. to consider the question of currency, and a committee consisting of W. D. M. Howard, C. V. Gillespie, and James C. Ward presented to Gov. Mason the following resolutions: 1st. That the gov'r be petitioned to appoint one or more assayers to test the quality of the gold taken from the placers on the Sacramento. 2d. That the gov'r be asked to extend the time allowed for the redemption of the gold-dust, deposited as collateral security for payment of duties, to 6 months, so as to allow time for the importation of coined money into the country for that purpose. 3d. That the gov'r be requested to appoint a competent person to superintend the conversion of gold into ingots of convenient weights, the same to be stamped with the name of the person furnishing the gold to be cast; the weight, and if possible, its fineness, in reference to standard; the said officer to keep a record of all the gold cast, the expense of casting to be defrayed by the person furnishing the raw material.

in the country were added a company of miners from the "state of Deseret," and several companies from the province of Oregon. These were all men who had supported independent governments; some of them had assisted in forming one, and regarded themselves as experienced in state-craft. There was also considerable overland immigration in the autumn.

The murder in the mining district of Mr Pomeroy and a companion in November, for the gold-dust they carried, furnished the occasion seized upon by the *Star and Californian* of renewing the agitation for a civil government. Meetings were held December 11, 1848, at San José; December 21st, at San Francisco; and at Sacramento on the 6th and 8th of January, 1849.[32] The San

Last resolution not carried. 4th. Appointment of a committee to petition congress to establish a mint in this town—the petition to be circulated in the Sacramento Valley and elsewhere for signatures. The said committee to consist of C. V. Gillespie, James C. Ward, W. D. M. Howard, and Capt. Joseph L. Folsom, U. S. A. *Id.*, 136–7.

[32] The meeting was held at the alcalde's office in San José, Charles White in the chair; James Stokes, Maj. Thomas Campbell, Julius Martin, vice-prests; P. B. Cornwall, William L. Beeles, secs; Capt. K. H. Dimmick, Ord, Benjamin Cory, Myron Norton, and J. D. Hoppe were appointed a committee to frame resolutions. The meeting was addressed by O. C. Pratt of Ill. A convention was appointed for the 2d Monday in Jan., and Dimmick, Cory, and Hoppe elected delegates. *Star and Californian*, Dec. 23, 1848. Reports of these meetings are contained in the *Alta California*, then published by Edward Gilbert, Edward Kemble, and George C. Hubbard, and supporting the provisional govt movement. Of the Sac. meetings Peter H. Burnett, who had been judge and legislator in Oregon, and helped to form the Oregon laws, was president. The vice-prests were Frank Bates and M. D. Winship; and the secs Jeremiah Sherwood and George McKinstry. A committee consisting of Samuel Brannan, John S. Fowler, John Sinclair, P. B. Reading, and Barton Lee was appointed to frame a set of resolutions which should express the sense of the meeting. These resolutions recited that congress had not extended the laws of the U. S. over the country, as recommended by the prest, but had left it without protection; that the frequency of robberies and murders had deeply impressed the people with the necessity of having some regular form of government, with laws and officers to enforce them; that the discovery of gold would attract immigration from all parts of the world, and add to the existing danger and confusion; therefore, that trusting to the govt and people of the U. S. for sanction, it was resolved that it was not only proper but necessary that the inhabitants of Cal. should form a provisional govt and administer the same; and that while lamenting the inactivity of congress in their behalf, they still desired to manifest their confidence in and loyalty to the U. S. The proceedings of the San José and S. F. meetings were concurred in, and the people were recommended to hold meetings and elect delegates to represent them in a convention to be held March 6th at San José for the purpose of draughting a form of govt to be submitted to the people for their sanction. A meeting was appointed to take place on the 15th to elect 5 delegates from that district to the convention at San José. A committee was chosen by the prest to correspond with the other districts; namely,

José meeting recommended that the convention assemble at that place on the second Monday of January; the San Francisco meeting, that the convention should assemble on the 5th day of March; but on the 24th of January the corresponding committee of San Francisco notified a postponement of the convention to the 6th of May.[33] The reasons given for the change of date were the inclemency of the weather, making it difficult to communicate with the southern districts; and recent intelligence from the United States, from which it appeared probable that congress would organize a territorial government before the adjournment of the session ending March 4th. A month being allowed for the receipt of information,[34] there could be no further objection to the proposed convention should congress again disappoint them. All these circumstances together operated to defeat the movement for a convention. The Sacramento delegates, Charles E. Pickett and John Sinclair, protested against a change of time, but the majority prevailed, and the conven-

Frank Bates, P. B. Reading, and John S. Fowler. Frank Bates, Barton Lee, and Albert Priest were appointed judges of the election of delegates. A resolution was offered by Sam Brannan that the delegates be instructed to 'oppose slavery in every shape and form in the territory of California,' which was adopted. *Burnett, Recoll.*, 295–8. The meeting at S. F. was presided over by John Townsend; William S. Clark and J. C. Ward were chosen vice-prests, and William M. Smith and S. S. Howison secs. The committee on resolutions consisted of Edward Gilbert, George Hyde, B. R. Buckelew, Henry A. Schoolcraft, Myron Norton, Henry M. Naglee, and James Creighton. They reported on the 23d, and their resolutions were adopted. Gilbert, Ward, Hyde, Toler, and Davis were appointed judges of election. Buckelew moved that duties collected at all ports in Cal., after the ratification of the treaty of peace in Aug., rightfully belonged to Cal.; and furthermore, that as the U. S. congress had not provided a government for the people of the territory, 'such duties as have been collected since the disbandment of the extraordinary military force justly belongs to the people of this territory, and should be claimed for our benefit by the govt we may succeed in creating.' Adopted after some debate; Gilbert, Ward, and Hyde were appointed corresponding committee. *Star and Californian*, Dec. 23, 1848.

[33] *Alta California*, Jan. 24, 1849; *S. F. Minutes Proceedings Legis. Assem.*, etc., 296 (no. 1, in *S. F. Hist. Inc.*, etc.). Meetings were held at Santa Cruz and Monterey to elect delegates to the convention in May. Santa Cruz delegates were William Blackburn, J. L. Majors, Eli Moore, John Dobindiss, J. G. S. Dunleavy, Henry Speal, and Juan Gonzales. *Arch. Sta Cruz*, 102. Walter Colton draughted the resolutions for the Monterey meeting. *Colton, Three Years*, 393; *An. S. F.*, 136; *Mendocino Co. Hist.*, 269–319.

[34] The ocean mail steamers were announced to commence their regular trips between Panamá and California and Oregon early in the spring.

tion was finally postponed to the first Monday of August,[35] when, should congress not then have created a territorial government for California, there should be no further delay in organizing a provisional government. In the mean time event crowded on the heels of event, changing the purposes of the people as their condition changed.

With the expiration of 1848 expired also the term of the town council of San Francisco which Mason had authorized in August of the previous year. By a municipal law, an election for their successors was held on the 27th of December, when seven new councilmen were chosen. The former council[36] declared the election fraudulent and void, and ordered a new one. A majority of the population opposed this unwarrantable assumption of power, and refused to attend, but an election was held and another council chosen. Until the 15th of January, when the old council voted itself out of existence, three town governments were in operation at the same time, and the two remaining ones for some weeks longer. Wearied and exasperated by the confusion in their affairs, the people of San Francisco district called a meeting on the 12th of February, at which it was resolved to elect a legislative assembly of fifteen members, who should be empowered to make such necessary laws "as did not conflict with the constitution of the United States, nor the common law thereof."[37] This legislative body

[35] This postponement was made in a communication addressed to the *Alta Cal.* of March 22d, signed by the following delegates: W. M. Steuart, Myron Norton, Francis J. Lippitt, from S. F.; Charles T. Bolts, Monterey; J. D. Stevenson, Los Angeles; R. Semple, Benicia; John B. Frisbie and M. G. Vallejo, Sonoma; S. Brannan, J. A. Sutter, Samuel J. Hensley, and P. B. Reading, from Sac.

[36] Refer to note 11, this chapter, for names.

[37] M. Norton presided at the meeting of the 12th, and T. W. Perkins acted as sec'y. The preamble to the ordinances established by the meeting recited that 'the people of S. F., perceiving the necessity of having some better defined and more permanent civil regulations for our general security than the vague, unlimited, and irresponsible authority that now exists, do, in general convention assembled, hereby establish and ordain.' Then follow the regulations. *Alta Cal.*, Feb. 15, 1849.

also appointed an election of three justices of the peace, abolished the office of alcalde, his books and papers being ordered to be resigned to one of the justices; and abolished both the town councils, the members being commanded to send their resignations to a committee appointed to receive them.[38] The election of the legislative assembly and justices was ordered for the 21st of the month, and took place; but as there was no actual power in the legislature to enforce its acts, the new government threatened to prove as powerless for good as its predecessor. The alcalde Leavenworth refused to relinquish the town records[39] to the chief magistrate, Norton, as directed; and such was the pressure of private business that it was found difficult to procure a quorum at the meetings of the legislature. To correct the latter defect in the government, the members were added to the assembly in May, and the offices of register, sheriff, and treasurer created.

On the 26th of February, five days after the first election of assemblymen, there arrived at San Francisco the mail steamer *California*, having on board General Persifer F. Smith, who as commander of the military division of California superseded Colonel Mason. Smith blundered, as military men are prone to do in managing civil affairs. He wrote to the secretary of war from Panamá that he was "partly inclined to think it would be right for me to prohibit foreigners from taking the gold, unless they intend to become citizens." Next he wrote to the consuls on South American coast "that the laws of the United States forbade trespassing on the public lands," and that on arriving in California he should enforce this law against persons not citizens. To the secretary he again wrote: "I shall consider every one not a citizen of the United States, who enters on public land and digs for gold, as a trespasser, and shall enforce that

[38] The committeemen were Alfred J. Ellis, Wm F. Swasey, B. R. Buckelew, and George Hyde. *Burnett, Recoll.*, 310.

[39] *Findla, Statement*, MS., 10.

view of the matter if possible, depending upon the distinction made in favor of American citizens to engage the assistance of the latter in carrying out what I propose. All are undoubtedly trespassers; but as congress has hitherto made distinctions in favor of early settlers by granting preëmptions, the difficulties of present circumstances in California may justify forbearance with regard to citizens, to whom some favor may be hereafter granted."

This doctrine of trespass furnished the Hounds, an organized band of Australian criminals and deserting English sailors, with their only apology for robbing every Mexican or Californian they met, upon the ground that they were foreigners, at least not citizens; and passports had actually to be furnished to these people in the land where they were born.[40] The Hounds did not long remain, but had their congé from the authorities civil and military.

To General Smith the legislature of San Francisco district addressed a letter inviting his sympathy and support, to which he returned a noncommittal reply, without attempting to interfere with the operations of the experimental government. There was no exigency requiring him to intermeddle while awaiting the action of congress, drawing to a close, and the incoming of a new national administration whose policy was yet unknown. The community in general supporting the assembly, the sheriff, furnished by Judge Norton with a writ of replevin, and assisted by a number of volunteer deputies, finally compelled Alcalde Leavenworth to surrender the records, which were deposited in the court-house, where justice was hereafter to be administered. This did not occur, however, before the inaction of congress had become known, and California had received another governor.

I think the American inhabitants of California exhibited great and undeserved animosity toward

[40] *Ex. Doc.*, 311, no. 17, p. 703-6, 708-10, 869, 870; *Amer. Quart. Reg.*, ii. 296.

Colonel Mason in his position as governor. They failed to remember that it required as much patience in him to govern them, as it did in them to be governed by him. Into his ear for nearly two years had been poured an incessant stream of complaints from both the natives and themselves Quite often enough they had been in the wrong If they did not steal horses and cattle like the Indians, or rob and assassinate like the Mexicans, they had other ways of being selfish and unchristian—not to say criminal—which made bad blood in those ruder people. He did the best he could between them all. Had his soldiers not absconded to the gold mines, even then he would have required ten times their number to keep up a police system throughout the country. Only law can reach to every part of a territory, but to do that it must be organized; and here was just where Mason's delinquencies were most flagrant. He was not an executive officer according to law, but a military governor, which as they reasoned was an offence in time of peace. That he was only obeying instructions, and that he had leaned to their side while executing his trust, did not serve to soften the asperity of their judgment, and no friendly regrets were expressed when his successor relieved him of his thankless office.[41] He left California on the 1st of May, and died of cholera at St Louis the same summer, at the age of sixty years.[42]

[41] The orders of Gen. Smith were dated Nov. 15, 1848, and ran as follows: 'By direction of the prest, you are hereby assigned, under and by virtue of your rank of brev. brig.-gen. of the army of the U. S., to the command of the third geographical or Pacific division, and will proceed by way of New Orleans, thence to Chagres, and across the isthmus of Panamá to Cal., and assume the command of the said division. You will establish your headquarters either in Cal. or Or., and change them from time to time, as the exigencies of the public service may require. Besides the general duties of defending the territories of Cal. and Or., and of preserving peace and protecting the inhabitants from Indian depredations, you will carry out the orders and instructions contained in the letter from the department to Col R. B. Mason, a copy of which you are herewith furnished, and such other orders and instructions as you may receive from your govt.' *H. Ex. Doc.*, 31, 1, no. 17, p. 264-5.

[42] Sherman in his *Memoirs*, 64, says: 'He possessed a strong native intellect, and far more knowledge of the principles of civil government and law than he got credit for;' and 'he was the very embodiment of the principle of fidelity to the interests of the gen. govt.'

On the 12th of April the transport ship *Iowa* landed at Monterey brevet Brigadier-general Bennett Riley,[43] lieutenant-colonel 2d infantry, with his brigade.[44] Riley had instructions from the secretary of war to assume the administration of civil affairs in California, not as a military governor, but as the executive of the existing civil government. According to contemporary accounts, he was a "grim old fellow," and a "fine free swearer."[45] According to his own statement he was not much acquainted with civil affairs, but knew how to obey orders. He also knew how to make others obey orders—except in California. Here his soldiers soon deserted,[46] leaving him without the means of enforcing the laws. In this dilemma his good sense came to his aid, and on the 3d of June, having sent the steamer *Edith* to Mazatlan for the necessary intelligence, and learning that nothing had been done by congress toward the establishment of a territorial government, he issued a proclamation showing that he had lost no time in improving his knowledge of civil affairs. He endeavored to remove the prejudice against a military government by putting it out of sight; and proposed a scheme of civil government, which he assured them should be temporary, but which while it existed must be recognized. The laws of California, not inconsistent with the laws, constitution, and treaties of the United States, he declared to be in force until changed by competent authority, which did not exist in a provisional legisla-

[43] *Larkin, Doc.*, MS., vi. 203; *Ang. Arch.*, MS., iii. 245, 246, 272; *H. Ex. Doc.*, 31, 1, no. 17, p. 873; *Willey, Personal Memoranda*, MS., 119; *Hyde, Statement*, MS., 12; *Capran, Cal.*, 44; *Tinkham, Hist. Stockton*, 120; *Hist. Los Angeles*, 46; *Sol. Co. Hist.*, 438; *Sherman, Mem.*, i. 10.

[44] The brigade, 650 strong, was officered as follows: Lieut Hayden, commanding officer of Co. H; Turner, surgeon; adjutant, Jones, com'd'g Cos. C and G; Lieut A. Sully, regimental quartermaster and commissary, com'd'g Co. K; Lieut Murray, Co. J; Lieut Schareman, Co. A; Lieut Jarvis, Co. B; 2d Lieut Hendershot, Co. F; 2d Lieut Johnson, Co. E; 2d Lieut Sweeny, Co. D. *N. Y. Herald*, Sept 19, 1848, in *Niles' Reg.*, lxxiv. 193.

[45] *Foster's Angeles in 1847*, MS., 17–18. He had a defect in his speech, and was 55 or 56 years old. *Val., Doc.*, MS., 35, 116; *S. D. Arch.*, MS., ii. 349; *Neal, Vig. Com.*, MS., 23.

[46] *Crosby, Statement*, MS., 30–2; *Burnett, Recoll.*, 333–4.

ture. The situation of California was not identical with that of Oregon, which was without laws until a provisional government was formed; but was nearly identical with that of Louisiana, whose laws were recognized as valid until constitutionally repealed. He proposed to put in vigorous operation the existing laws as designed by the central government, but to give an American character to the administration by making the officers of the law elective instead of appointive; and at the same time proposed a convention of delegates from every part of the territory to form a state constitution or territorial organization, to be ratified by the people and submitted to congress for approval. A complete set of Mexican officials was named in the proclamation, with the salaries of each and the duration of their term of office.

The first election was ordered for August 1st, when also delegates to the convention were to be elected. The officers chosen would serve until January 1, 1850 The convention would meet September 1st. A regular annual election would be held in November, to choose members of the territorial assembly, and to fill the offices temporarily supplied by the election of August 1st. The territory was divided into ten districts for the election of thirty-seven delegates, apportioned as follows: San Diego two, Los Angeles four, Santa Bárbara two, San Luis Obispo two, Monterey five, San José five, San Francisco five, Sonoma four, Sacramento four, and San Joaquin four.[47]

Such was the result of Riley's civil studies.[48] The people could not see, however, what constitutional power the president had to govern a territory by appointing a military executive in time of peace, or any at all before the Mexican laws had been repealed; much less what right the secretary of war had to in-

[47] *Debates Constit. Cal.*, 3–5; *Cronise, Nat. Wealth*, 58–9; *Hittell, S. F.*, 140–1; *Larkin, Doc.*, MS., vii. 137; *Val., Doc.*, MS., 35, 124; *San Luis Ob. Arch.*, MS., sec. i.; *Savage, Doc.*, MS., ii. 85; *Ang. Arch.*, MS., iii. 249–66; *Placer Times*, June 23, 1849.

[48] Gen. Riley publicly acknowledged the 'efficient aid' rendered him by Capt. H. W. Halleck, his sect. of state.

struct General Riley to act as civil governor. And perhaps their reasoning was as good as the general's, when he declared they had no right to legislate for themselves without the sanction of congress. This question had been argued at some length in the *Alta California* about the time of Riley's arrival by Peter H. Burnett, who had come down from Oregon with the gold-hunters from the north in 1848, and whose experience with the provisional government of the American community on the Columbia made him a sort of umpire.

On the day following the above proclamation the governor issued another, addressed to the people of San Francisco, which reached them on the 9th, in which he declared that "the body of men styling themselves the legislative assembly of San Francisco has usurped powers which are vested only in the congress of the United States." Both were printed in Spanish as well as English, for circulation among the inhabitants, and produced no small excitement, taken in connection with the arrival of the mail steamer on the 4th with the news of the failure of congress to provide a government, aggravated by the extension of the revenue laws over California and the appointment of a collector.[49] Taxation without representation was not to be borne; and straightway a public meeting had been held, and an address prepared by a committee of the legislative assembly, of which Burnett was chairman, protesting against the injustice. Among other things, it declared that "the legislative assembly of the district of San Francisco have believed it to be their duty to earnestly recommend to their fellow-

[49] James Collier was appointed collector of customs and special depositary of moneys at S. F., in March 1849. He came overland, and did not arrive until late in the autumn. No moneys were ever deposited with him. The act mentioned established ports of delivery at San Diego and Monterey, and a port of entry at S. F. *Niles' Reg.*, lxxv. 193; *Cal. Statutes*, 1850, app. 38; *U. S. Acts and Res.*, 70-5, 107-8, 30th Cong., 2d Sess.; *Hunt's Merch. Mag.*, xxiii. 663-5. King succeeded Collier in May 1851, at S. F., and did act as a depositary, the sums collected being deposited with himself. *U. S. Sen. Doc.*, 99, vol. x., 32d Cong., 1st Sess. Major Snyder was appointed collector in 1853, and remained in office until 1862. *Swasey's Remarks on Snyder*, MS., 15-16.

citizens the propriety of electing twelve delegates from each district to attend a general convention to be held at the pueblo de San José on the third Monday of August next, for the purpose of organizing a government for the whole territory of California. We would recommend that the delegates be intrusted with large discretion to deliberate upon the best measures to be taken; and to form, if they upon mature consideration should deem it advisable, a state constitution, to be submitted to the people for their ratification or rejection by a direct vote at the polls. . . . From the best information both parties in congress are anxious that this should be done; and there can exist no doubt of the fact that the present perplexing state of the question at Washington would insure the admission of California at once. We have the question to settle for ourselves; and the sooner we do it, the better." It so happened that this address, which had been submitted to and adopted by the assembly previous to the promulgation of Riley's proclamation, was published in the *Alta* June 14th, five days after, making it appear, but for the explanation given by the editor, like a carefully designed defiance of the authority of the governor.

Three days after the proclamation addressed to the people of San Francisco was received, a mass meeting in favor of a convention for forming a state constitution was held in Portsmouth square, presided over by William M. Steuart.[50] Resolutions were passed declaring the right of the people of the territory, the last congress having failed them, to organize for their own protection, and to elect delegates to a convention to form a state government, "that the great and growing interests of California may be represented in the

[50] The vice-prests were William D. M. Howard, E. H. Harrison, C. V. Gillespie, Robert A. Parker, Myron Norton, Francis J Lippett, J. H. Merrill, George Hyde, William Hooper, Hiram Grimes, John A. Patterson, C. H. Johnson, William H. Davis, Alfred Ellis, Edward Gilbert, and John Townsend. The secretaries were E. Gould Buffum, J. R. Per Lee, and W. C. Parker.

next congress of the United States." A committee was appointed to correspond with the other districts, and fix an early day for the election of delegates and for the convention, as also to determine the number of delegates, the committee consisting of P. H. Burnett, W. D. M. Howard, M. Norton, E. G. Buffum, and E. Gilbert. A motion to amend a resolution, by adopting the days appointed by the governor, was rejected. The meeting was addressed by Burnett, Thomas Butler King, congressman from Georgia and confidential agent of the government, William M. Gwin, a former congressman from Mississippi, and others. King had been sent out to work up the state movement,[51] which he was doing in conjunction with the governor; and Gwin had come out on the same steamer to become a senator from California. He addressed the people of Sacramento, July 4th, and on the following day a mass meeting at Fowler's hotel, and resolutions passed to coöperate with San Francisco and the other districts in forming a civil government.[52] At a meeting held July 4th at Mormon Island, W. C. Bigelow in the chair,[53] and James Queen secretary, resolutions were adopted declaring that in consequence of the failure of congress to provide a government, the separation of this country from the mother country has been loudly talked of; but pledging themselves "to discountenance every effort at separation, or any movement that may tend to counteract the action of the general government in regard to California." Also that believing slavery to be injurious, they would do everything in their

[51] *Buffum, Six Months*, 118; *H. Ex. Doc.*, 31, 1, no. 17, p. 9–11.

[52] *Gwin, Memoirs*, MS., 5. M. M. McCarver, the 'old brass gun' of the Oregon legislature, presided at this meeting. George McKinstry was sec. C. E. Pickett, Chapman, and Carpenter constituted a committee to draught resolutions. A com. of 12 was appointed to organize the district into precincts, and apportion the representatives, and to nominate candidates. Corresponding com. appointed. Committee of 12 was composed of P. B. Cornwall, Carpenter, Blackburn, J. R. Robb, Mark Stewart, John Fowler, C. E. Pickett, Sam. Brannan, John McDougal, Samuel Housley, M. T. McClellan, and Col Winn.

[53] *Placer Times*, July 9, 1849.

power to prevent its extension to this country. Taking alarm at some of these proceedings, Riley gave utterance to his views in the *Alta*, declaring that instructions received since his proclamations fully confirmed the policy there set forth, and that it was distinctly said that "the plan of establishing an independent government in California cannot be sanctioned, no matter from what source it may come." The phrase 'independent government' drew forth a reply from Burnett disclaiming any design on the part of the agitators of a civil organization to erect a government not dependent on the United States, and repelling as a libel the insinuation contained in the governor's communication that the people of San Francisco had ever contemplated becoming "the sport and play of the great powers of the world," which they would be should they attempt a separate existence. The *Alta* also denied the charge in a subsequent issue; and the committee of which Burnett was chairman having published a notice making the day of election and convention conformable to the governor's appointments, while asserting their perfect right to do otherwise, there was a lull in the political breeze for the intervening period.[54]

In the mean time San Francisco had received a postmaster, John W. Geary,[55] who in spite of the preju-

[54] *Alta Cal.*, July 12 and 19, 1849; *Capron*, 43–4; *U. S. H. Misc. Doc.*, 44, i., p. 5–9, 31st cong., 1st sess. At a mass meeting in Sac., that district was declared entitled to 10 delegates. *Placer Times* (*Sac.*), July 14, 1849.

[55] *Unbound Docs.*, MS., 58. John W. Geary was born in Westmoreland co., Pa, in 1820. He had been col of a reg. from his state in the Mexican war, and fought at the battles of La Hoya, Chapultepec, Garita de Belen, and city of Mexico. His duties as alcalde were those of mayor, sheriff, probate and police judge, recorder, coroner, and notary public. After the appointment of W. B. Almond, a man of fair legal attainments from Missouri, who was at his request made judge of first instance, with civil jurisdiction, his duties were less complex. Geary was reëlected in 1850, with only 12 votes against him in 4,000. He was a 'splendid-looking man, cordial and affable.' He returned to Pa in 1852, and was appointed governor of Kansas. He served in the civil war as col of the 28th regt Pa vols. His death occurred at Harrisburg, Feb. 8, 1873. *An. of S. F.*, 718–34; *Sac. Record*, Feb. 10, 1873; *Oakland Gazette*, Feb. 15, 1873; *Nevada Transcript*, Feb. 11, 1873; *Oakland Transcript*, Feb. 9, 1873; *Folsom Telegraph*, Apr. 4, 1868; *Alpine Silver Mountain Chronicle*, Feb. 15, 1873; *Albany Register*, Feb. 14, 1873; *Hittell, S. F.*, 139; *Alta California*, Jan. 9, 1866, and Feb. 9, 1873; *Upham, Rem. of Pioneer*

dice at once manifested against imported officials, achieved a popularity which obtained for him the office of first alcalde, or judge of the first instance, at the election, and which kept him in office after a change of government had been effected.[56]

In July, T. Butler King, in his character of confidential agent of the government, paid a visit to the mining districts. He travelled in state, accompanied by General Smith and staff, Commodore Jones and staff, Dr Tyson, geologist, and a cavalry detachment under Lieutenant Stoneman, who afterward became a general.[57] He made an extended tour, and a report in

Journalism, in *Advertiser's Guide*, 105, Dec. 1876; *S. F. vs U. S.*, 1854, docs. 22, 23; *S. F. Call*, Nov. 9, 1884; *Pierce's Rough Sketch*, MS., 188–9; *Auburn Placer Argus*, Feb. 15, 1873; *S. F. Elevator*, Feb. 15, 1873.

[56] I find the following officers under military govt in 1848–9, mentioned in *Unbound Docs.*, MS., 319–40· James W. Weeks, K. H. Dimmick, alcaldes, San José; Estevan Addison, alcalde, Sta Bárbara; Isaac Callahan, alcalde, Los Angeles, 1848. In 1849, William Myers, alcalde; and Albert G. Toomes and David Plemmons, judges in the upper north California district; John T. Richardson, alcalde, San José; Stephen Cooper, Benicia; Dennis Gahagan, alcalde, San Diego; J. L. Majors, subprefect at Santa Cruz; Miguel Avila, alcalde, San Luis Obispo; R. M. May, alcalde, San José; A. M. White, alcalde, Mercedes River; G. D. Dickerson, prefect of the district of San Joaquin; Charles P. Wilkins, prefect of Sonoma; W. B. Almond, alcalde, S. F. (associate of Geary), Horace Hawes, prefect of S. F. district; Pacificus Ord, judge of supreme tribunal; Lewis Dent, ditto; John E. Townes, high-sheriff of S. F. district; Edward H. Harrison, collector at S. F.; Rodman M. Price, purser and navy agent, and chairman of town council committee; Philip A. Roach, in his *Facts on Cal.*, MS., 7–8, mentions being elected to the offices of 1st alcalde and recorder of Monterey, in Oct. 1849. From other docs.—Ignacio Ezquer, 1st alcalde, Monterey; Jacinto Rodriguez, 2d alcalde, Monterey; José María Covarrubias and Augustin Janssen, jueces de paz; Antoñio María Pico, prefect of northern Cal. district; N. B. Smith and Wellner, subprefects.

[57] Crosby gives quite a particular account of this official 'progress' through the country. King, he says, nearly lost his life by it, through his inability to adapt himself to the customs of border life. 'He would rise in the morning after the sun was well up, and after making an elaborate toilet, having his boots blacked, and dressing as if going to the senate-chamber, would then take breakfast, and by the time he was ready to start, it would be 8 or 9 o'clock, the sun would be hot, and the marches made in the worst part of the day....Gen. Smith said to him: "Not only you, but all the rest of the party, are rendering yourselves liable to fever and sickness....We ought to go in the early morning, and lie by in the middle of the day." But King would not agree to this. I felt premonitions of a fever coming on, and took my leave of the party, and made my way to Sutter's Fort, and was laid up three or four weeks with a fever. The party went down to the South Fork, and then over to the Mokelumne, to the southern mines. King brought up at S. F., and came near losing his life with a fever.' *Events in Cal.*, MS., 29–30; *Letter of Lieut Cadwalder Ringgold*, in *H. Ex. Doc.*, 31, 1, no. 17, pp. 954–5; *Placer Times*, July 14 and Aug. 1, 1849.

which he gave a very flattering account of the mines, and reiterated what the reader already knows concerning the people—their anxiety for a government which they could recognize, and its causes; namely, ignorance of Mexican laws, and their oppressive nature when understood; the absence of any legal system of taxation to provide the means of supporting a government; the imposition of import duties by the United States, without representation; and the uncertainty of titles, with other things of less importance.

After reporting the action of the people in their efforts to correct some of these evils, and that they had resolved upon the immediate formation of a state government, he further remarked that "they considered they had a right to decide, so far as they were concerned, the question of slavery, and believed that in their decision they would be sanctioned by all parties." King declared that he had no secret instructions, verbal or written, on the subject of slavery; "nor was it ever hinted or intimated to me that I was expected to attempt to influence their action in the slightest degree on that subject." "In the election of delegates," he said, "no questions were asked about a candidate's politics; the object was to find competent men." But of the thirty-seven delegates, sixteen were from the slave-holding states, ten from the free states, and eleven were native citizens of California, all but one of whom came from districts south of the Missouri compromise line of 36° 30′. The convention therefore would have a presumptive majority of twenty-seven leaning toward the south.[58] This was not the actual proportion after the election, forty-eight members being chosen, the additional delegates being from the mining districts and San Francisco, where the population was greatest. Twenty-two were then from the northern states, fifteen from the slave states, seven native Californians, and four foreign born.

[58] King's rept, in *H. Ex. Doc.*, 31, 1, no. 59, pp. 1–6; *Green's Life and Adv.*, 21.

King was one of those anomalous individuals—a northern man with a southerner's views. Born and reared in Pennsylvania, he went early in life to Georgia, and marrying a woman of that state, became infected with the state-rights doctrine, and in 1838 was elected to congress as its representative. As a whig he supported Harrison and Tyler in 1840, and Taylor and Fillmore in 1848, and advocated leading whig measures. But the virus of slavery with which he was inoculated developed itself later in secession, which made an end of all his greatness. While laboring to bring California into the union, he had in view the division of the territory by congress, and that all south of 36° 30′ should be devoted to slavery. This was to be the price of the admission of California, or any part of it. Under this belief he was willing to be and was useful to the people of California in their efforts to obtain a civil government. The administration paid him well for his services, and rewarded him with the office of collector of customs. If the people would willingly have had no more of him they had their reasons.[59]

[59] King made an ass of himself, generally. Crane relates with much gusto the following as illustrative of King's character. When the custom-house was burned in the great fire of 1861, King had occasion to remove the treasure from a vault in the ruins to the corner of Washington and Kearny streets, and assembled his force of employés to act as guard. They came together, armed with cutlasses, pistols, etc., and a cart being loaded, formed a line, himself at the head, leading off with a sword in one hand and a pistol in the other. In this manner several cart-loads were escorted to the place of deposit. When the last train was en route, some wags induced the waiters of a public eating-house to charge upon it with knives, when some of the guard ran away, King, however, holding his ground. *Past, Present, and Future*, MS., 12. Some one had a caricature of the proceedings lithographed, and entitled 'Ye King and ye Commones, or ye Manners and Customes of California—a new farce lately enacted in May 28, 1851.' *S. F. Alta*, May 29, 30, 1851. Gwin attacked Taylor's administration for the expense of King's mission, saying he had at his disposal the army, navy, and treasury. There was much truth in the declaration. His pay was $8 per diem; he was drawing pay as a member of congress, although he subsequently resigned, and the officers of the army and navy were enjoined to 'in all matters aid and assist him in carrying out the views of the government,' and 'be guided by his advice and council in the conduct of all proper measures within the scope of those [his] instructions.' But the government had a right to employ all its means for an object. *H. Ex. Doc.*, 31, 1, no. 17, p. 146; *Cong. Globe*, 1851–2; *App.*, 534–6. King went with the southern states when they seceded, and was sent as a commissioner to Europe. He died at his home in Georgia May 10, 1864. *S. F. Call*, June 20, 1864.

Affairs moved on with occasional disturbances to the public peace, which were suppressed in San Francisco by a popular court, and in the outlying districts by military authority.[60] The election of August 1st for delegates to the constitutional convention, and municipal officers,[61] passed without disturbance, and preparations began to be made for the convention itself, which was to be held at Monterey. But now it was found that such was the pressing nature of private business, such the expense and inconvenience of a journey to the capital from the northern and southern districts, that some doubt began to be entertained of the presence of the delegates. King, who had the principal management of affairs, overcame this difficulty by directing Commodore Jones to send the United States steamer *Edith* to San Diego, Los Angeles, and Santa Bárbara, to bring the southern delegates to Monterey;[62] while the northern delegates chartered the brig *Frémont* to carry them from San Francisco. The *Edith* was wrecked on the passage, and the *Frémont* narrowly escaped the same fate. All arrived safely at their destination, however, and were ready to organize on the 3d of September

Never in the history of the world did a similar convention come together. They were there to form a state out of unorganized territory; out of territory only lately wrested from a subjugated people, who were elected to assist in framing a constitution in conformity with the political views of the conquerors. These native delegates were averse to the change about to be made. They feared that because they were large land-owners they would have the burden of

[60] Riley, Order No. 22, to commander of posts, to investigate outrages. *Savage, Coll.*, MS., iii. 36; *U. S. Sen. Doc.*, 52, xiii. p. 12–41; 31st Cong., 1st Sess.; *H. Ex. Doc.*, 5, p. i. pp. 156, 161, 165–78, 31st Cong., 1st Sess.

[61] Peter H. Burnett was elected chief justice, José M. Covarrubias, Pacificus Ord, and Louis Dent were chosen associate judges. Alcaldes were elected in the several districts.

[62] The *Edith* was commanded by Lieut McCormick, who knew little of the coast, and being bewildered in a fog, lost the steamer. Letter of Commodore Jones, in *H. Ex. Doc.*, 31, 1, no. 17, pp. 951–2; *Cong. Globe*, 1851–2, 535, 578; *Napa Register*, April 20, 1872.

supporting the new government laid upon their shoulders, and naturally feared other innovations painful to their feelings because opposed to their habits of thought. These very apprehensions forced them to become the representatives of their class, in order to avert as much as possible the evils they foreboded. Such men as Vallejo, Carrillo, and De la Guerra could not be ignored, though they spoke only through an interpreter. Carrillo was from one of the southern districts, a pure Castilian, of decided character, and prejudiced against the invaders. De la Guerra was perhaps the most accomplished and best educated of the Spanish delegation, and had no love for the Americans, although he accepted his place among them, and sat afterward in the state senate. Vallejo had not forgotten the Bear Flag filibusters who had subjected him to the ignominy of arrest; and each had his reason for being somewhat a drawback on the proceedings.[63]

Of foreign-born delegates there were few. Captain Sutter was noticeable, owing to his long residence in the country, and his reputation for hospitality; but otherwise he carried little weight. Louis Dent, delegate from Santa Bárbara, an Englishman, voted with De la Guerra. Among the Americans were a number who were, or afterward became, more or less famous; H. W. Halleck, then secretary of state under Governor Riley; Thomas O. Larkin,[64] first and last

[63] Crosby, to whom I am indebted for many hints regarding character, says that when the state seal was under discussion, the Spanish members exhibited considerable feeling upon the bear being used as the emblem of California. Vallejo objected to it; he thought it should at least be under the control of a vaquero, with a lasso round its neck! *Events in Cal.*, MS., 34. Caleb Lyon of Lyonsdale enjoyed the reputation of designing the state seal, although it was not justly his due. Major R. S. Garnet designed it, but being of a retiring disposition, gave his drawing to Lyon, who added some stars around the rim, and obtained the prize of $1,000, but forgot to purchase with it a printing-press, which was one of the conditions. *Ross Browne*, in *Overland Monthly*, xv. 346; *First Ann'l Territ. Pioneers*, 56–7; *S. F. Cal. Courier*, July 1850; *Sac. Union*, March 17, 1858. The great seal represents the bay of San Francisco, with the goddess Minerva in the foreground, the Sierra in the background, mining in the middle distance, the grizzly bear at the feet of Minerva, and the word Eureka at the top, under a belt of stars. Around the whole, 'The Great Seal of the State of California.' *S. F. Ann. App.*, 805.

[64] Thomas Oliver Larkin was born in Mass. in 1803, and migrated to Cali-

United States consul to California; Edward Gilbert, who established the *Alta California*, was sent to congress, and killed in a duel, McDougal became governor, and Gwin United States senator; J Ross Browne, reporter of the convention, and a popular writer, was afterward employed as a secret and open agent of the government, to look into politics and into mines,[65] Jacob R. Snyder, a Philadelphian, whom Commodore Stockton found in the country, and to whom he intrusted the organization of an artillery corps, and made quartermaster to Frémont's battalion. Under Mason's administration he was surveyor for the middle department of California, and one of the founders of Sacramento. Stephen G. Foster, Elisha O. Crosby, K. H. Dimmick, Lansford W. Hastings, were all enterprising northern men; besides others less well known. Rodman M. Price was subsequently member of congress from, and governor of, the state of New Jersey; and Pacificus Ord district attorney for the United States in California.

The convention was not lacking in talent. It was not chosen with regard to party proclivities, but was understood to be under the management, imaginary if not real, of southern men. It was a curious mixture. On one hand a refined, and in his own esteem at least an already distinguished, representative of the afterward arrogant chivalry who sought to rule California,

fornia in 1832. He was deeply concerned in all the measures which severed Cal. from Mexico, loaning his funds and credit to meet the exigencies of the war. He was made consul and navy agent by the U. S. govt. He gave each of the officers of the *Southampton* a lot in Benicia. *Larkin, Doc.*, vii. 72; *Colton, Three Years*, 28–30. He was at one time supposed to be the richest man in America. *S. I. Friend*, vii. 85.

[65] John Ross Browne was an Irishman, born in 1822 at Dublin, where his father edited the *Comet*, a political paper, and who immigrated to the U. S. in 1833. The lad, whose new home was in Louisville, Ky., exhibited a passion for travel, which he gratified. He had talent, and became reporter to a Cincinnati paper, studied medicine, reported for the U. S. senate, and held several situations under govt, at last being given a place as lieut in the revenue service, and sent to Cal., where he found the service had been reduced and himself discharged. He then became reporter for the convention. Subsequently he was secret treasury agent, and emyloyed to report upon mines. His last appointment was as minister to China. His death occurred in Dec. 1875.

was William M. Gwin. On the other the loose-jointed, honest, but blatant and unkempt McCarver, whom we have known in Oregon. Another kind of southerner was Benjamin F. Moore, who had migrated from Florida through Texas, carried a huge bowie-knife, and was usually half drunk.[66] Joel P. Walker we have seen coming overland in 1840 and 1841 with his family and household gods, first to Oregon and then to California, a pioneer of pioneers; Charles T. Betts of Virginia, who was a man of ability, and an earnest southerner; James M. Jones, a young man, a fine linguist, and good lawyer, who was United States district judge for the southern district of California after the admission of California, and who died in 1851 of consumption, at San José,[67] an extreme southerner in his views, fully believing in and insisting on the divine right of slave-holders to the labor of the African race; the genial and scholarly O. M. Wozencraft, William E. Shannon, an Irishman by birth, and a lawyer, who introduced that section in the bill of rights which made California a free state—borrowed, it is true, but as illustrious and imperishable as it is American.[68]

On the 1st of the month the members present met in Colton hall to adjourn to the 3d. Some debate was had on the apportionment as it had been made, the election as it stood, and the justice of increasing the delegation from several districts, which was finally admitted, when forty-eight instead of thirty-seven members were received.[69] Of these, fourteen were

[66] *Foster, Angeles in 1847*, MS., 17; *Crosby, Events in Cal.*, MS., 47. In 1852 Moore received the whig nomination for congress but was defeated. As a criminal lawyer he was somewhat noted. He several times represented Tuolumne co. in the legislature. He died Jan. 2, 1866, at Stockton. *Pajaro Times*, Jan. 13, 1866; *Havilah Courier*, Jan. 12, 1867.

[67] *Burnett, Recoll.*, MS., ii. 255–67; *Gwin, Mem.*, MS., 14.

[68] *McClellan, Repub. in Amer.*, 115–16. Shannon came to the U. S. in 1830 at the age of 7 years, his father settling in Steuben co., N. Y. He studied law, but joined the N. Y. reg. for Cal. in 1846. He was elected to the state senate in 1850, and died of cholera Nov. 13th of that year. *Sac. Transcript*, Nov. 14, 1850; *Shuck's Repres. Men*, 853–4; *San José Pioneer*, March, 30, 1878.

[69] The rule under which the additional delegates were admitted was that

lawyers, twelve farmers, seven merchants. The remainder were engineers, bankers, physicians, and print-

every one having received over 100 votes in his district should be a member. The list of regular delegates stood as follows:

Names.	Nativity.	Residence.	Age.
John A. Sutter	Switzerland		47
H. W. Halleck	New York	Monterey	32
William M. Gwin	Tennessee	San Francisco	44
William M. Steuart	Maryland	San Francisco	49
Joseph Hoborn	Maryland	San Francisco	39
Thomas L. Vermeule	New Jersey		35
O. M. Wozencraft	Ohio	San Joaquin	34
B. F. Moore	Florida	San Joaquin	29
William E. Shannon	New York	Sacramento	27
Winfield S. Sherwood	New York	Sacramento	32
Elam Brown	New York	San José	52
Joseph Aram	New York	San José	39
J. D. Hoppe	Maryland	San José	35
John McDougal	Ohio	Sutter	32
Elisha O. Crosby	New York	Vernon	34
H. K. Dimmick	New York	San José	34
Julian Hanks	Connecticut	San José	39
M. M. McCarver	Kentucky	Sacramento	42
Francis J. Lippitt	Rhode Island	San Francisco	37
Rodman M. Price	Massachusetts	Monterey	47
Thomas O. Larkin	New York	San Francisco	36
Louis Dent	Missouri	Monterey	26
Henry Hill	Virginia	Monterey	33
Charles T. Betts	Virginia	Monterey	40
Myron Norton	Vermont	San Francisco	27
James M. Jones	Kentucky	San Joaquin	25
Pedro Sainsevain	Bordeaux	San José	26
José M. Covarrubias	France	Santa Barbara	41
Antonio M. Pico	California	San José	40
Jacinto Rodriguez	California	Monterey	36
Stephen G. Foster	Maine	Los Angeles	28
Henry A. Tefft	New York	San Luis Obispo	26
J. M. H. Hollingsworth[1]	Maryland	San Joaquin	25
Abel Stearns	Massachusetts	Los Angeles	51
Hugh Reid	Scotland	San Gabriel	38
Benjamin S. Lippincott	New York	San Joaquin	34
Joel P. Walker	Virginia	Sonoma	52
Jacob R. Snyder	Pennslyvania	Sacramento	34
Lansford W. Hastings	Ohio	Sacramento	30
Pablo de la Guerra	California	Santa Bárbara	30
M. G. Vallejo	California	Sonoma	42
José Antonio Carrillo	California	Los Angeles	53
Manuel Dominguez	California	Los Angeles	46
Robert Semple	Kentucky	Benicia	42
Pacificus Ord	Maryland	Monterey	33
Edward Gilbert	New York	San Francisco	27
A. J. Ellis	New York	San Francisco	33
Miguel de Pedrorena	Spain	San Diego	41

S. F. Bulletin, May 25, 1878; *Mendocino Co. Hist.*, 292–7; *Browne, Constit. Debates*, *An. S. F.*, 136–7; *San Joaquin Co. Hist.*, 22–3; *Alameda Co. Hist. Atlas*, 13; *Yuba Co. Hist.*, 37–8; James Queen and W. Lacy were elected 'additional delegates' to represent Sac. *Sutter Co. Hist.*, 26; *Ezquer, Mem.*, 31–2; *S. F. Post*, June 26, 1886.

ers.[70] These professions did not prevent their being miners any more than it disqualified them from legislation, and nothing but crime bars the American from that privilege. All were in the prime of life, all very much in earnest, and patriotic according to their light, albeit their light was colored more or less by local prejudices. To be a patriot, a man must be prejudiced; but the respect we accord to his patriotism depends upon the breadth or quality of his bias.

As I have remarked, the northern spirit was prepared to array itself, if necessary, against any assumption on the part of the chivalry in the convention, whose pretensions to the divine right to rule displayed itself, not only upon slave soil, but was carried into the national senate chamber, and had already flaunted itself rather indiscreetly in California. While the choice of a president was under discussion, Snyder took occasion to state in a facetious and yet pointed manner that Mr Gwin had come down prepared to be president, and had also a constitution in his pocket which the delegates would be expected to adopt, section by section.[71] Both Snyder's remarks and Gwin's denial were received with laughter, but the hint was not lost. Snyder proposed Doctor Semple for president of the convention, and the pioneer printer of Monterey, a giant in height if not in intellect, was duly elected.[72] He was a large-hearted and measurably astute man, with tact enough to preside well, and as much wisdom in debate as his fellows.[73]

The chosen reporter of the convention, J. Ross Browne, had a commission to establish post-offices, and established one at San José before the convention, and none anywhere afterward. William G.

[70] *Overland Monthly*, ix. 14–16; *Simonin, Grand Quest.*, 320–3.

[71] *Crosby, Events in Cal.*, MS., 38–40. This was true; but it was the constitution of Iowa.

[72] Gwin explains that it was the distrust of the native-born members that defeated him. They attributed to him 'the most dangerous designs upon their property, in the formation of a state government.' *Memoirs*, MS., 11.

[73] *Royce, California*, 62; *Colton, Three Years*, 32; *Sherman, Mem.*, i. 78; *Capron*, 47–8.

Marcy was selected secretary; Caleb Lyon, of Lyonsdale, first assistant, and J. G. Field, second assistant secretaries. William Hartnell was employed to interpret for the Spanish members. Chaplains were at hand, Padre Ramirez and S. H. Willey alternating with the refugee superior of the Lower California missions, Ignacio Arrellanes.[74]

Thus equipped the delegates proceeded harmoniously with their work. They did not pretend to originate a constitution; they carefully compared those of the several states with whose workings they were familiar, and borrowed from each what was best and most applicable, or could be most easily made to conform to the requirements of California, all of which, by amendments frequently suggested, became modelled into a new and nearly faultless instrument.

To the surprise of northern men, no objection was made by the southerners to that section in the bill of rights which declared that neither slavery nor involuntary servitude,[75] except in punishment of crime, should ever be tolerated in the state. It was not in the bill as reported by the committee[76] having it in

[74] *Browne, L. Cal.*, 51; *Willey's Thirty Years*, 32.

[75] The temper of the majority was understood. As early as 1848 the question was discussed in Cal. in relation to its future. The editor of the *Californian*, in May of that year, declares that he echoes the sentiment of the people of California in saying that 'slavery is neither needed nor desired here, and that if their voices could be heard in the halls of our national legislature, it would be as the voice of one man; 'rather than put this blighting curse upon us, let us remain as we are, unacknowledged, unaided.' A correspondent, signing himself G. C. H., in the same journal of Nov. 4, 1848, writes: 'If white labor is too high for agriculture, laborers on contract may be brought from China, or elsewhere, who if well treated will work faithfully for low wages.' Buckelew, in the issue of March 15, 1848, said: 'We have not heard one of our acquaintance in this country advocate the measure, and we are almost certain that 97-100 of the present population are opposed to it.' 'We left the slave states,' remarked the editor again, 'because we did not like to bring up a family in a miserable, can't-help-one's-self condition,' and dearly as he loved the union he should prefer Cal. independent to seeing her a slave state. The *N. Y. Express* of Sept. 10, 1848, thought the immigration would settle the question. It did not change the sentiment, except to add rather more friends of slavery to the population, but still with a majority against it. On the 8th of Jan., 1849, a mass meeting in Sac. passed resolutions opposing slavery. This was the first public expression of the kind.

[76] Gwin was chairman of the committee on constitution. Norton, Hill, Foster, De la Guerra, Rodriguez, Tefft, Covarrubias, Dent, Halleck, Dimmick, Hoppe, Vallejo, Walker, Snyder, Sherwood, Lippincott, and Moore constituted the committee. *Browne, Constit. Debates*, 29.

charge, but when offered by Shannon was unanimously adopted. Gwin had set out on the road to the United States senate,[77] and could not afford to raise any troublesome questions; and most of the southern men among the delegates having office in view were similarly situated. Some of them hoped to regain all that they lost when they came to the subject of boundary. Let northern California be a free state; out of the remainder of the territory acquired from Mexico half a dozen slave states might be made.

But the African, a veritable Banquo's ghost, would not down, even when as fairly treated as I have shown; and McCarver insisted on the adoption of a section preventing free negroes from coming to or residing in the state. It was adroitly laid to rest by Green, who persuaded McCarver that his proposed section properly belonged in the legislative chapter of the constitution, where, however, it never appeared.

The boundary was more difficult to deal with, introducing the question of slavery in an unexpected phase. The report of the committee on boundary included in the proposed state all the territory between the line established by the treaty of 1848 between Mexico and the United States, on the south, and the parallel of 42° on the north, and west of the 116th meridian of longitude. McDougal, chairman of the committee, differed from it, and proposed the 105th meridian as the eastern boundary, taking in all territory acquired from Mexico by the recent treaty, and a portion of the former Louisiana territory besides. Semple was in favor of the Sierra Nevada as the eastern boundary, but proposed leaving it open for congress to decide. Gwin took a little less, naming for the eastern line the boundary between California and New Mexico, as laid

[77] Gwin says in his *Memoirs*, MS., 5, that on the day of Prest Taylor's funeral he met Stephen A. Douglas in front of the Willard's Hotel, and informed him that on the morrow he should be en route for California, which by the failure of congress to give it a territorial government, would be forced to make itself a state, to urge that policy and to become a candidate for U. S. senator; and that within a year he would present his credentials. He was enabled to keep his word.

down on Preuss' map of Oregon and California from the survey of Frémont and others. Halleck suggested giving the legislature power to accede to any proposition of congress which did not throw the eastern line west of the Sierra; to which Gwin agreed. "If we include territory enough for several states," said the latter, "it is competent for the people and the state of California to divide it hereafter." He thought the fact that a great portion of the territory was unexplored, and that the Mormons had already applied for a territorial government, should not prevent them from including the whole area named. Then arose McCarver, and declared it the duty of the house to fix a permanent boundary, both that they might know definitely what they were to have, and to prevent the agitation of the slavery question in the event of a future division of "territory enough for several states." Shannon proposed nearly the line which was finally adopted for California, which he said included "every prominent and valuable point in the territory; every point which is of any real value to the state;" and insisted upon fixing the boundary in the constitution. "I believe, if we do not, it will occasion in the congress of the United States a tremendous struggle," said he; and gave good reasons for so believing. "The slaveholding states of the south will undoubtedly strive their utmost to exclude as much of that territory as they can, and contract the limits of the new free state within the smallest possible bounds. They will naturally desire to leave open as large a tract of country as they can for the introduction of slavery hereafter The northern states will oppose it [the constitution], because that question is left open"—and so the admission of California would be long delayed, whereas the thing they all most desired was that there should be no delay. Hastings also took this view. "The south will readily see that the object [of Gwin's boundary] is to force the settlement of the question [slavery]. The south will never agree to it. It raises the ques-

tion in all its bitterness and in its worse form, before congress."

These remarks aroused Betts, who plunged into the controversy: "I understand now, from one of the gentlemen that constitute the new firm of Gwin and Halleck—the gentleman from Monterey—who avows at last the reason for extending this eastern boundary beyond the natural limits of California, that it will settle in the United States the question of slavery over a district beyond our reasonable and proper limits, which we do not want, but which we take in for the purpose of arresting further dispute on the subject of slavery in that territory. It has been well asked if the gentleman can suppose that southern men can be asleep when such a proposition is sounded in their ears. Sir, the avowal of this doctrine on the floor of this house necessarily and of itself excites feelings that I had hoped might be permitted to slumber in my breast while I was a resident of California. But it is not to be. This harrowing and distracting question of the rights of the south and the aggressions of the north—this agitating question of slavery—is to be introduced here. . . . Why not indirectly settle it by extending your limits to the Mississippi? Why not include the island of Cuba, a future acquisition of territory that we may one day or other obtain, and forever settle this question by our action here?" And then he gave his reasons for fixing a boundary, and not a too extensive one, urging the greater political power of small states.

McDougal seems to have been enlightened by the discussion, and to have made up his mind to present his views; this being his first attempt to deliver any kind of argument in a deliberative body. He was now opposed to taking in the country east of the Sierra, which he had first advocated. "The people may change their notions about slavery after they get hold of the territory; they may assemble in convention and adopt slavery. It leaves this hole open. You at

once acquire the sole control over this confederacy for time immemorial. We do not wish to give you this power, because other subjects, as important as that of slavery, may arise in this government, and you would have power alone to control them. And another very good reason, which they might urge with a great deal of plausibility: Suppose this state should have this immense population, this immense representation—suppose, like South Carolina, she should undertake to act independently, and recede from the confederacy—she could do it, having the physical and all other powers to do it. If, therefore, we adopt this line, I am very sure it will be sent back to us. We will have to call another convention and adopt other lines to suit the views of congress. In the mean time we have no law. We are in the same chaotic condition that we are now in. And that is the very thing, Mr Chairman, if the secret was known, which I apprehend they want to do. They want a constitution presented to congress so objectionable that it will be thrown back for another convention. Gentlemen have risen on this floor and stated that they had received letters from the south, and that they knew of many others who want to bring their slaves here and work them for a short period in the mines, and then emancipate them. If this constitution is thrown back upon us for reconsideration, it leaves them the opportunity of bringing their slaves here. It is what they desire to do, to create some strongly objectionable feature in the constitution in order that they may bring their slaves here and work them three months. They will even then get more than they can get for them in the states. I look upon that as the result if we send our constitution to congress with a boundary so objectionable as this. We will have herds of slaves thrown upon us—people totally incapable of self-government; and they are so far from the mother country that we can never get rid of them; and we will have an evil

imposed upon us that will be a curse to California as long as she exists."

What McDougal's speech lacked in grammar and rhetoric it supplied in facts, and was therefore of value. After some further remarks on both sides, Semple related a conversation he had held with Thomas Butler King, who had said: "For God's sake, leave us no territory to legislate upon in congress;" whereupon Betts repudiated the idea of King as an exponent of the wishes of congress. Norton spoke in favor of Gwin's boundary; Sutter of that reported by the committee, except that he suggested the southern line to be the confluence of the Gila River with the Colorado, in order to facilitate the trade of the people of San Diego with Sonora and New Mexico.

The debates waxed warm, and Shannon took occasion to say that King did not utter the sentiments of the entire congress. "The secret of it is this," said he, "that the cabinet of the United States have found themselves in difficulty about the Wilmot proviso, and Mr Thomas Butler King—it may be others—is sent here, in the first place, for the purpose of influencing the people of California to form a state government, and in the next place to include the entire territory. Sir, it is a political quarrel at home into which they wish to drag the new state of California. For my part I wish to keep as far away from such rocks and breakers as possible. Let the president and his cabinet shoulder their own difficulties. I have no desire to see California dragged into any political quarrel. Are these the high authorities to which we should so reverentially bow? I think not. I believe they speak but their own sentiments, or his own sentiments, or the sentiments of the cabinet. Besides, sir, I always wish to watch a political agent; I would always be careful of men of that description."

When Carrillo had spoken, through an interpreter, in favor of comprehending in the state of California

all the country assigned by the Spanish government to the province of Upper California, in 1768, and recognized as such by Mexico, upon the ground that they had no right to leave any part of the people without government, Betts raised a new point, which was that the convention had been called by proclamation of General Riley to represent the ten districts there named, and all lying west of the Sierra. How, then, could they represent any more? Some of them had received a hundred votes; he but ninety-six; how could they assume to legislate for 30,000 Mormons at Salt Lake?

The subject occupied several days in debate, and was laid aside to be brought up two weeks later, when it came near wrecking the constitution altogether; but after a scene of wild confusion, and the rejection of several amendments, a compromise offered by Jones was adopted fixing the eastern boundary on the 120th meridian from the Oregon line to the 39th parallel, running thence to the Colorado River in a straight line south-easterly, to the intersection of the 35th parallel; and thence down the middle of the channel to the boundary established between the United States and Mexico by the treaty of Guadalupe Hidalgo. A proviso was attached that should congress refuse to admit the state with that boundary, then it should include all the territory as far east as the boundary line of New Mexico, as drawn by Preuss from the surveys of Frémont and others. In this form it was passed by a vote of thirty-two to seven.

No other subject engendered much controversy, and there was a good deal of "slavish copying" of the constitutions of New York and Iowa, which indeed was the highest wisdom. Every white male citizen of the United States, and every white male citizen of Mexico who had chosen to become a citizen of the United States under the treaty of peace of 1848, of the age of twenty-four years, and who had resided six months

in the state preceding the election, and thirty days in the district in which he claimed his vote, was eligible. A proviso permitted the legislature by a two-thirds vote to admit to suffrage Indians or the descendants of Indians, in special cases as that body might deem proper, a concession to the native Californians.[78]

The questions of corporations and state debt, and of taxation, received much attention from the convention, which restricted the legislature in its power to create corporations by special act, or to charter banks, leaving it to form general laws under which associations might be formed for the deposit of gold and silver only, but without the power to issue paper of any kind. The legislature was also restricted from creating a state debt exceeding the amount of $300,000, unless in the case of war; but it might pass a law authorizing a greater expenditure for some special object, by providing ways and means exclusive of a loan for the payment of interest and principal. Lotteries were also prohibited as dangerous to the welfare of the people.

It was impossible to avoid saying in the constitution that taxation should be equal; but the delegates from that portion of the state covered by Spanish grants refused to listen to any proposition subjecting their real estate to taxation, while the bulk of the population, who had no real estate nor anything that could be taxed, enjoyed the benefits of a government for which they, the Mexican population, paid. To obviate this difficulty the assessors and boards of supervisors were to be elected by the voters in the county or town in which the property was situated; and consequently influenced by them. This provision was a defect of which the constitution-makers were conscious, but for which at that time there seemed no remedy. Some guaranty against oppressive taxation was required, and none better offered,

[78] *Sutter, Autobiog.*, 198–9; *Browne, Constit. Debates*, 179–80; *Gwin, Memoir*, MS., 16.

although it was plain that as the provision stood, it could be made to protect the great and oppress the small land-holders.

The legislature was forbidden to grant divorces, and was required to pass a homestead law. All property, real and personal, of married women, owned at the date of marriage or afterward acquired by gift, devise, or inheritance, was made separate property, and the legislature was enjoined to pass laws for its registration; and other laws clearly defining the rights of wives in relation to property and other matters.

With regard to education, the legislature was required to provide for a system of common schools, by which a school should be kept up in each district three months in the year; and any district neglecting to sustain such a school should be deprived of its proportion of the public fund during such neglect. The support of common schools was expected to be derived from the sale of lands with which the state was in the future to be supplied by congress. The position of California was quite unlike that of other members of the United States when demanding admission, having passed through no territorial period, and having no land laws. Considerable time would elapse before it could be known how land matters stood, how much belonged to the former inhabitants, the nature of their titles, and other questions likely to arise. But the framers of the constitution could only proceed upon the ground that congress would not be less bountiful to California in the matter of school land than it had been to Oregon and Minnesota.[79] Has-

[79] I have been at some trouble to find who first suggested our present liberal school land law. It seems that in 1846 James H. Piper, acting commissioner of the gen. land office, made a report to Robt J. Walker, sec. of the treasury, on the 'expediency of making further provision for the support of common schools in land,' saying that it was attracting much attention, and was certainly worthy of the most favorable consideration. 'Those states are sparsely settled by an active, industrious, and enterprising people; who, however, may not have sufficient means, independent of their support, to endow or maintain public schools. In aid to this important matter, congress, at the commencement of our land system, and when the reins of government were held by the sages of the revolution, set apart one section out of every township of 36 sq. miles. At that early day, this provision doubtless appeared

tings made an effort to have the obligatory school term extended to six months; but Gwin and Dimmick opposed the amendment, and it was lost. The legislature was required to take measures for the protection, improvement, and disposition of such lands as congress should grant for the use of a university, and to secure the funds arising therefrom; and should "encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement."

As to the government of the state, its executive department consisted of a governor, lieutenant-governor, secretary of state, comptroller, treasurer, attorney-general, and surveyor-general; the governor and lieutenant-governor to be elected by the people; the secretary to be appointed by the governor, with the other officers chosen by consent of the senate, and the joint vote of the two houses of the legislature. The judiciary department was elective,[80] and consisted of a supreme court, district courts, county courts, and justices of the peace.

Among the miscellaneous provisions was one disfranchising any one who should fight a duel with deadly weapons, or assist in any manner at a duel.[81] The

munificent, but experience has proved it to be inadequate.' He recommended further grants. *H. Ex. Doc.*, 9, vol. ii., 29th cong., 2d sess. Walker sent the report to John W. Davis, speaker of the house. In the report of sec. Walker for Dec. 1847, he refers to the subject again; and recommends 'the grant of a school section in the centre of every quarter of a township, which would bring the school-house within a point not exceeding a mile and a half from the most remote inhabitant of such qr township.' This applied first to Oregon, which was then under consideration as to land donations. *H. Ex. Doc.*, 6, p. 10 of Rept of Sec Treas., 29th cong., 1st sess. Addressed to Hon. Robt C. Winthop, speaker of the house. In 1848, Walker again recommends the grant of 4 sections in every township for school purposes, 'in each of the new states,' mentioning however, Or., Cal., and New Mexico. *H. Ex. Doc.*, 7, vol. ii., 30th cong., 2d sess. The committee to which it was referred finally decided upon two sections to every township. Gwin quoted from Walker's report. *Browne, Constit. Debates*, 207

[80] Du Hailly, in *Revue des Deux Mondes*, Feb 1, 1859, 608–9, remarks upon the judiciary being subject to the caprices and instabilities of elections at short intervals. There were seven in the convention opposed to it among whom was Crosby. *Events in Cal.*, MS., 44.

[81] During the discussions in the early part of the session, Jones and Tefft had a wordy encounter which nearly resulted in a bloody one, but the would-be duellists were brought to a mutual apology by the interposition of Gwin, whose knowledge of parliamentary usages was, though often paraded, really of much use to the convention, as this incident illustrates

question of a capital was avoided by requiring the legislature to meet at San José until removed by law, the consent of two thirds of all the members of both branches of the legislature being necessary to its removal.

When the committee on finance was instructed to report on the compensation of members of the convention, Gwin summed up the condition of the revenue of the country briefly to the effect that the new state was in want of everything—public buildings, court-houses, jails, roads, bridges, and all internal improvements—prices were excessively high, there was not a dollar of public money, nor could any be raised but by levying taxes which the population was in no condition to bear. Ranchos were abandoned and the laborers gone to the mines. There were consequently no crops, and property that yielded $100,000 income three years before was then yielding nothing. In the mines the people could not be taxed, having no property but the gold they dug out of the earth, and needing that to make improvements. The proposition was made to lay before congress in a memorial, to accompany the constitution, the condition of the people, and calling for support to a state government, either by donating a part of the public domain, or appropriating from the moneys collected in California from the customs and sale of the public lands an amount sufficient for the object. This Gwin thought would not be objected to by congress, which in the case of fourteen other states had paid the expenses of a territorial government for many years. The memorial which was finally presented to congress with the constitution did not make the demand proposed, and only very slightly alluded to the fund created by customs collected in California while in its transition state.[82] The schedule

[82] I have already several times alluded to this fund, but without giving its entire history, which is this: In Oct. 1849, a Military Contribution tariff was promulgated by the president, and established in the ports of Cal. The custom-houses, which until then had remained in the hands of citizens, who accounted to the military governor, or commodore of the Pacific squadron, were now filled with army or navy officers, down to the period when, peace

attached to the main instrument continued the existing laws in force until altered or repealed by the legis-

being proclaimed, collectors were appointed by Mason, in his position of gov. of Cal., customs being collected on all foreign goods as directed in the tariff of 1846—the commodore of the Pacific squadron continuing the direction of all matters relating to port regulations. 'A double necessity,' says Riley, 'impelled the gov. to this course; the country was in pressing need of these foreign goods, and congress had established no port of entry on this coast; the want of a more complete organization of the existing civil govt was daily increasing; and as congress had made no provision for supporting a territorial govt in this country, it was absolutely necessary to create a fund for that purpose from duties collected on these foreign goods. It is true, there was no law of congress authorizing the collection of those duties, but at the same time the laws forbade the landing of the goods until the duties were paid. Congress had declined to legislate on the subject, and both the president and secretary of the treasury acknowledged the want of power of the treasury department to collect revenue in Cal. The gov. of Cal., therefore, assumed the responsibility of collecting this revenue for the support of the govt of this country.' Letter of Riley to Col J. Hooker, com'g dept, asst adj.-gen. Pacific division, in *H. Ex. Doc.*, 31, i. no. 17, p. 814–29. The writer goes on to say that in the interim between the signing of the treaty of peace and the extension of the revenue laws over this country, it is a fair presumption that the temporary regulations established by the executive authority continued in force, so far as they conflicted with no treaties, or laws of the U. S., or constitutional provisions; at any rate, that Mason had communicated his proceedings to Washington, and met with no rebuke, from which he inferred they were approved; in fact, that congress had entirely ignored the whole case. 'The reason of this is obvious: as congress had failed to organize a territorial govt here, all were aware the existing govt must continue in force, and that it must have some means of support.' Such was the extraordinary origin and history of the civil fund, which began as a military contribution, and after peace was continued solely by the will of a military officer, without the instructions or even the notice of congress, but which congress permitted to be applied as the military governors saw fit until the state govt was established, and then diverted into the U. S. treasury. In Aug. 1849, an attempt was made to remove this money from the control of Riley, and to place it at the disposition of the military commander who had had 'no responsibility in its collection, and who of right can exercise no authority over it.' It was the correspondence on this subject which brought out the above statements. Among other facts elicited was this, that when money was wanted by the military department (formerly), on application a loan or temporary transfer was made from the civil fund. Halleck also, in May 1849, complained that it was difficult to keep the civil funds separate from the military appropriations. The reason was, that the army and navy officers found their pay so inadequate to their expenses as to force them to make calls upon the civil fund. That 'grim old fellow,' Riley, refused to give up the money already collected under his administration, and in his charge, to Gen. Smith, who had certainly no right to demand it. On the 3d of Aug. the gov. appointed Maj. Robert Allen treasurer of Cal., who in direct violation of his instructions transferred $35,124.79 to the quartermaster's department, and $500 to Maj. Fitzgerald, asst qr master. In Aug. the amounts due the civil fund from the military dept was $10,000, transferred to Maj. Hardie for raising troops in Or.; $70,000 to Naval Purser Forest, for the expenses of bringing immigrants from Lower Cal.; $3,500 to Maj. Rich, and $200 to Lieut Warren; $10,804.50 transferred by Lieut Davidson to the qr master and commissary depts, and $896.70 delivered to Capt. Ingall by the collector at San Pedro. Previous to this, in 1848, Gen. Kearny appointed two sub-Indian agents, and paid them from the civil fund, and there had been loaned $3,210 to officers of the navy.

lature, and transferred all causes which might be pending to the courts created by the constitution on the admission of the state. It provided for its ratification by the people, at an election to be held November 13th, and for the election at the same time of a governor, lieutenant-governor, a legislature, and two members of congress. Should the constitution be adopted, the legislature should assemble at the seat of government on the 15th of December, and proceed to install the officers elect, to choose two senators to the congress of the United States, and to negotiate for money to pay the expenses of the state government.

By close application to business, day and night,[83] the constitution was brought to completion, and signed on the 13th of October, thirty-one guns being fired from the fort in honor of the occasion; the last one for the constitution of the new state of California.[84] It was an instrument of which its makers might justly be proud; its faults being rather those of circumstance

None of this money had been accounted for in Aug. 1849, nor do I find any evidence that it ever was returned to the civil fund. In Sept. Riley authorized the loan of $30,000 for the use of the pay dept of the army, from the fund collected at Benicia. In Oct. $15,000 was loaned Maj. McKinstry, for the use of the qr master's dept; and for Lieut Derby's use $3,000. One other source of revenue, besides customs, was the money received from the rent of the missions—unauthorized, like the first—all of which is to be found in the document quoted above. See also *Alta Cal.*, Dec. 15, 1849, and *Frost's Hist. Cal.*, 485–6. King, on his arrival, had to have a finger in the pie. He instructed the collectors not to exact duties, but to receive deposits at the door of the treasury, subject to the action of congress. On the 20th of June there was half a million in the hands of the quartermaster, a part of which belonged to the revenue, congress having extended the revenue laws to Cal. Riley had always been of the opinion that the civil fund belonged in justice to the people of Cal., from whom it had been collected without a shadow of law, and made several recommendations on the subject, some of which were that it should be applied to school purposes and to public improvements. Neither object ever received a dollar of it; but the money was ordered into the U. S. treasury, after the expenses of the convention were paid out of it, which the general took care should be liberal.

[83] Among the relics of the convention preserved is a candlestick which served to help illuminate its evening sessions.

[84] Crosby mentions that Sutter had a great love for the noise of artillery, and was much excited by the discharge of the cannon, exclaiming over and over, 'This is the proudest day I ever saw!' *Cal. Events*, MS., 37. The gentle Swiss was mellow. See, further, *Sac. Union*, Sept. 1859; *Cal. Past and Present*, 181; *S. F. Alta*, June 17, 1878; *Roach, Statement*, MS., 4; *S. F. Post*, June 29, 1878; *Taylor's Eldorado*, i. 146–56; *Frignet*, 125 et seq.; *Jenkins' U. S. Ex. Ex.*, 440; *Sac. Reporter*, Jan. 7, 1869; *Willey's Per. Mem.*, MS., 128–34.

than of judgment. The heterogeneous personnel of the convention proved a safeguard rather than a drawback; New York being forced to consult Mississippi, Maryland to confer with Vermont, Rhode Island with Kentucky, and all with California. Strangers to each other when they met, in contending for the faith that was in them they had become brothers, and felt like congratulating each other on their mutual achievment.[85]

Governor Riley had made no secret of his intention to pay the expenses of the convention from the civil fund, and on being visited by the delegates, en masse, received them with his usual grim humor, and allowed their not too modest demand of sixteen dollars per day, and sixteen dollars for every twenty miles of travel in coming and returning. The reporter of the proceedings received $10,000, he contracting to furnish one thousand printed and bound copies in English, and one quarter as many in Spanish, for that money. The nearest newspaper office being in San Francisco, and there lacking but one month to the time of election, a courier was despatched post-haste to the *Alta* office to procure the printing of copies[86] for immediate circulation for election purposes, together with a proclamation by Governor Riley submitting the constitution and an address to the people, prepared by Steuart, and signed by the delegates. Then they all drew a breath of relief, and voted to have a ball, in which men of half a dozen nationalities, and almost as many shades of complexion, trod the giddy mazes of the dance with

[85] Lieut Hamilton made the handsomely engrossed copy of the constitution, which was forwarded to congress, for $500. For the text of the fundamental laws of Cal., see *Cal. Statutes*, 1850, 24–6; *U. S. Sen. Doc.* 28, viii.; 31st cong., 1st sess.; *U. S. H. Misc. Doc.*, 44, i. 18–34; 31st cong., 1st sess.; *U. S. H. Ex. Doc.* 39, vii. 17; 31st cong., 1st sess.; *Browne, Constit. Debates App.*, iii.–xiii.; *Hartnell's Convention, Original*, MS., pts. 1–16; *Am. Quart. Reg.*, iii. 575–88; *S. I. Friend*, vii. 90; *Simonin, Grand Quest.*, 324–36; *Capron*, 48–50; *Polynesian*, vi. 110. The autographs of the signers are to be found in the museum of the Pioneer Society, S. F. In 1875 only 15 out of the 48 were living, and the orator of the anniversary celebration for that year (Ross Browne) died a few weeks later.

[86] *Foster's Angeles in 1847*, MS., 17–18; *H. Ex. Doc.* 31, i. no. 17, p. 845–6; *Gregory, Guide*, 11–46; *Val., Doc.*, 35, 153–7.

California señoras in striking costumes, whose dark splendors were relieved here and there by a woman of a blonde type and less picturesque attire.

In a few days the constitution was carried to every mining camp and rancho in the land.[87] Candidates took the field for office under it, should it be sanctioned by the people, and made their speeches as in any ordinary campaign. The democracy, whose delight it always was to 'organize,' held their first party gathering in Portsmouth square, San Francisco, October 25th, Alcalde Geary acting as chairman.[88] The organization, however, being suspected to be a piece of political legerdemain to put in nomination for congress a member of a clique, some of the solid, old-fashioned democrats in attendance offered a resolution to invite the towns in the interior to participate in the nominations, which resolution being adopted, a convention was the result, and Edward Gilbert was nominated for that position. Other democrats gave as a reason for introducing party politics at this period in the history of the state, that T. Butler King, having resigned his place in the lower house of congress, was aiming at the senate, expecting to be elected by a no-party majority, and they wished to defeat these aspirations.[89]

Large assemblages were held in Sacramento of the no-party politicians, the object of which was to select and present candidates for election to both houses of the legislature, and also to obtain the United States senatorship for some man of that district.[90] The can-

[87] Rather at a loss to some of the most active of the prefects and sub-prefects whose duty it was to disseminate the political news. Crosby says he spent about $1,400 for which he was never reimbursed. *Events in Cal.*, MS., 56; *Fernandez, Doc.*, 4; *Ang. Arch.*, iii. 277–8; *Taylor, Eldorado*, i. 159–60.

[88] O. P. Sutton, McMillan, Thos J. Agnew, John McVickar, W. H. Jones, E. V. Joyce, and Annis Merrill acted as vice-presidents; J. Ross Browne, Joseph T. Downey, Daniel Cronin, and John H. McGlynn as secretaries. *Oakland Transcript*, March 5, 1873; *Solano Vallejo Democrat*, Feb. 11, 1871; *Upham, Notes*, 26, 25.

[89] Geary, Van Voorhies, and Sutton were opposed to King. *Sutton, Statement*, MS., 9. 'St Chupostom,' in *Placer Times*, Nov. 17, 1849, condemns the formation of parties, and says King 'ought to have sense enough not to set the ball rolling.' *Polynesian*, vi. 98.

[90] A mass meeting for these purposes in Sac. was held on the 29th of Oct.

didates in the field for the executive office were Peter H. Burnett, William M. Steuart, John W. Geary, John A. Sutter, and Winfield S. Sherwood. Burnett was superior judge at the time, having been appointed by Governor Riley to that position on the 13th of August. He was in Monterey during the session of the constitutional convention, and being satisfied that it would go before the people and be adopted, announced himself a candidate in September, and returned to San José before the close of the proceedings to commence a canvass. Sherwood[91] proposed that Burnett and himself should submit their claims to a committee of mutual friends, who should decide which should withdraw; but this Burnett declined. The election showed that he knew his strength, the vote standing: Burnett, 6,716; Sherwood, 3,188; Sutter, 2,201; Geary, 1,475; Steuart, 619. The office of lieutenant-governor was sought by John McDougal and A. M. Winn, the former being elected.

The 13th of November, the day appointed for the election, was one of storm, and the vote in consequence was light. The population of California at this period was estimated at 107,000; the number of Americans in the country 76,000; of foreigners 18,000; of natives 13,000. The whole vote polled was 12,064 for and 811 against the constitution; or the vote of about one sixth of the American inhabitants. It was a satis-

in front of the City hotel; S. C. Hastings, prest; Albert Priest, vice-prest; W. R. Grimshaw, sec.; W. M. Steuart, John McDougal, E. Gilbert, J. R. Snyder, W. S. Sherwood, P. A. Morse, G. B. Tingley, Edward J. C. Kewen. The meeting adjourned to the 30th, when it put in nomination for state senators John Bidwell, E. O. Crosby, Henry E. Robinson, and Thos J. Green; and for the assembly Thos J. White, John F. Williams, R. Gale, E. W. McKinstry, P. B. Cornwall, George B. Tingley, John Bigler, J. P. Long, and John T. Hughes. The meeting divided and another nominating committee reported another ticket, which was adopted. For state senators, Bidwell, Robinson, Crosby, and Harding Bigelow. For assemblymen, Cardwell, Cornwall, Fowler, Ford, Walthal, W. B. Dickinson, James Green, T. M. Ames, and A. K. Berry. *Placer Times*, Nov. 3 and Dec. 1, 1849.

[91] Sherwood was a native of Washington co., N. Y. He had served in the N. Y. legislature, and although awkward in appearance was possessed of good acquirements and ready wit. He was still a young man. In 1852 he was a democratic presidential elector. *S. F. Alta*, July 24, 1852; *Havilah, Courier*, Jan. 12, 1867; *Tinkham, Hist. Stockton*, 124.

factory majority of those who took enough interest in the future of the country to go to the polls. Edward Gilbert and George W. Wright were elected representatives in congress. State senators and representatives were also elected.

The schedule to the constitution provided that if the instrument should be ratified, the legislature should meet on the 15th of December, elect a president pro tempore, proceed to complete the organization of that body, and to install all the officers of state as soon as practicable. Three days previous to the meeting of the legislature, Governor Riley had issued a proclamation declaring the constitution submitted to the people in November to be "ordained and established as the constitution of the state of California." On the 20th Burnett was installed governor, General Riley having by proclamation laid down that office on the same day,[92] together with that of his secretary of state, Halleck. The civil appointments made under him expired gradually, as the state government came into action in all its branches.[93]

The services of General Riley to California were of the highest value, combining, as he did, in his administration the firmness of a military dictatorship, with a statesmanlike tact in leading the people to the results aimed at by them, and in a manner to correct any leaning toward independence, but uniting them firmly with the general government by showing them their dependence upon it. He continued to reside at Monterey until July 1850, when he returned to the

[92] *Supp. Pacific News*, Dec. 27, 1849; *Wilmington Journal*, May 27, 1865. Peter Halstead, 'the erratic and talented son of a distinguished father,' was a candidate for congressman on the whig side of politics. He was from New Jersey, and died in New York subsequently, being assassinated in a house of ill-fame. *Gwin, Mem.*, MS., 129.

[93] The several proclamations are given entire in *Burnett, Recoll.*, 359–60; *Pico, Doc.*, i. 228; *San Luis Ob., Arch.*, sec. 19; *Hall, Hist. San José*, 218; *Hittell, S. F.*, 145–6. A thanksgiving proclamation was issued by Gov. Riley, setting apart the 29th day of Nov. to be kept in making a general and public acknowledgment of gratitude to the Supreme Ruler of the universe for his kind and fostering care during the year that was past. *H. Ex. Doc.* 31, i. no. 17, p. 867; *Pico, Doc.*, i. 198; *Ang. Arch.*, iii. 281; *San José Pioneer*, June 23, 1877.

states, bearing with him tangible proofs of the esteem in which he was held by the citizens of that town, in the form of a massive gold medal, and a heavy chain composed of nuggets of gold in their native shapes.[94] Thus ended with a banquet and a presentation one of the most important periods through which the California country was to pass.

[94] These gifts were presented on the occasion of a farewell banquet given to General Riley at the Pacific house at Monterey, where 200 covers were laid, and the ceremonies were in an imposing style. Gen. T. H. Bowen presided. The city of Monterey voted him a medal of gold weighing one pound, which was presented to him by Maj. P. A. Roach. It cost $600. On one side it bore the arms of the city; on the other, this legend: 'The man who came to do his duty, and who accomplished his purpose.' *Id.*, April 20, 1878. *Santa Cruz Sentinel*, July 23, 1870; *Quigley, Irish Race*, 343. Some citizens of S. F. had previously presented him with a gold snuff-box. *Pacific News*, Jan. 1, 1850.

CHAPTER XIII.

POLITICAL HISTORY.

1849–1850.

The First Legislature—Question of State Capital—Meeting of the Legislature at San José—Organization and Acts—Personnel of the Body—State Officers—Further State Capital Schemes—California in Congress—Impending Issues—Slavery or No Slavery—Admission into the Union—California Rejoices.

The first legislature of the state of California consisted of sixteen senators and thirty-six assemblymen. The rainy season which had set in on the 28th of October, 1849, was at its height by the middle of December, and did not close until the 22d of March, during which period thirty-six inches of water fell upon the thirsty earth.[1] The roads were rendered nearly impassable, and the means of travel, otherwise than on horseback, being limited, it was with difficulty that the members made their way to San José from their different districts, no quorum being present on the first and second days.

The people of San José had sent as commissioners Charles White and James F. Reed to Monterey, during the session of the constitutional convention, to endeavor to secure the location of the capital at their town. They were compelled to pledge themselves to provide a suitable building for the meetings of the first legislature, upon the chance that the capital might be fixed there. The legislative building furnished was

[1] Dr Logan, at Sac., kept a rain-gauge, from which the fall for the season was taken.

an unfinished box, sixty feet long and forty feet wide, two stories in height, having a piazza in front. The upper story, devoted to the use of the assembly, was simply one large room, approached by a flight of stairs from the senate-chamber, a hall forty by twenty feet on the ground-floor; the remainder of the space being occupied by the rooms of the secretary of state, and various committees.[2] For the first few weeks, owing to the incompleteness of their hall, the senators held their meetings in the house of Isaac Branham, on the south-west corner of the plaza.

The crudity of the arrangements occasioned much dissatisfaction, and on the 19th a bill to immediately remove the capital to Monterey passed its first reading, but was laid over, and the business of the session allowed to proceed.[3] The senate was organized on the

[2] This house was destroyed by fire April 29, 1853. *S. F. Argonaut*, Dec. 1, 1877.

[3] There being no county organizations, the members of the legislature were elected by districts. San Diego district sent to the senate E. Kirby Chamberlain; San Joaquin, D. F. Douglas, B. S. Lippincott, T. L. Vermeule, Nelson Taylor, and W. D. Fair; San José, W. R. Bassham; Sonoma, M. G. Vallejo; Monterey, Selim E. Woodworth; Santa Bárbara, Pablo de la Guerra; Los Angeles, A. W. Hope; Sac., E. O. Crosby, John Bidwell, H. E. Robinson, and Thomas Jefferson Green; S. F., N. Bennett, G. B. Post, D. C. Broderick. Post resigned, and E. Hydenfeldt was elected to fill his place. Broderick was not elected until Jan. 1850. Six of the senators were from New York state; namely, John Bidwell, born 1819, immigrated to Pa, Ohio, Mo., and thence in 1841 to California; E. O. Crosby, aged 34, came to Cal. in 1848; D. C. Broderick, born in D. C., but brought up in New York, came to Cal. in 1849; B. S. Lippincott, aged 34, born in New York, came out with N. Y. Vol. from New Jersey; Thomas L. Vermeule, born in New York in 1814, came to Cal. in Nov. 1849; he resigned his seat; S. E. Woodworth, born in New York in 1815, began life as a sailor in 1832, entered the navy in 1838, came to Cal. overland through Or. in 1846, resigned his commission in Oct. 1849, and was elected senator for two years in Nov. He was a son of the author of the 'Old Oaken Bucket.' Connecticut furnished 2 senators: E. K. Chamberlain, born 1805, removed to New York in 1815, to Pa in 1829, to Cincinnati subsequently, where he studied medicine, served during the Mexican war as army surgeon, and accompanied the Boundary Line Commission to Cal. in 1849; C. Robinson, born in Conn., removed at an early age to La, studied law, but engaged in mercantile pursuits, and came to Cal. on the first mail steamer in Feb. 1849. Cal. furnished 2 senators: Pablo de la Guerra, born at Santa Bárbara in 1829. He entered the public service at the age of 19, being appointed administrator-gen., which position he held until 1846. M. G. Vallejo was born at Monterey in 1807. In 1824 he commenced his military career as a cadet, and served as lieut, lieut-col, and commander of northern Cal. He founded the town of Sonoma. E. Heydenfeldt was born in S. C. in 1821, removed to Alabama in 1841, to La in 1844, and to Cal. in 1849. D. F. Douglas was born in Tenn. in 1821, removed to Ark. in 1836. Three years afterward he fought a duel with Dr William Howell, killing his

17th, E. Kirby Chamberlain being elected president pro tem. On the same day the assembly elected Thomas J. White speaker.[4] On the 20th the governor and lieutenant-governor were sworn in by Kimble H. Dimmick, judge of the court of first instance of San José. Immediately thereafter the legislature in convention proceeded to the election of United States

antagonist. He was imprisoned over a year, and when liberated returned to Tenn., but afterward removed to Miss. and engaged in Choctaw speculation, moved with these Indians as their commissary, but finally lost money, and went to N. O., where he was clerk to a firm; from N. O. he went to Texas in the winter of 1845–6, and in Mex. war joined Hay's regiment. From Mex. he came to Cal. in 1848. W. D. Fair was born in Va, and came to Cal. via Rio Grande and Gila route in 1846 from Miss., as president of the Mississippi Rangers.

[4] The assemblymen came from the several districts as follows: San Diego, O. S. Witherby; Los Angeles, M. Martin, A. P. Crittenden; Santa Bárbara, J. Scott, J. M. Covarrubias; San Luis Obispo, H. A. Tefft; Monterey, T. R. Per Lee, J. S. Gray; San José, Joseph Aram, Benjamin Cory, Elam Brown; S. F., W. Van Voorhies, Edmund Randolph, J. H. Watson, Alexander Patterson, Alfred Wheeler, L. Stowell, and Clarke; Sonoma, J. E. Brackett, J. S. Bradford; Sac., P. B. Cornwall, H. C. Cardwell, John T. Hughes, E. W. McKinstry, J. Bigler, George B. Tingley, Madison Walthall, Thomas J. White, John F. Williams; San Joaquin, B. F. Moore, R. W. Heath, D. P. Baldwin, Charles M. Creaner, J. S. K. Ogier, James C. Moorehead, J. F. Stephens, Van Beascheten, Crane, and Stewart, 4 of these being substitutes for members who resigned during the session. Those who resigned were Martin, Van Voorhies, Cornwall, and speaker White. Joseph Aram was a native of N. Y., who came to Cal. in 1846. Elam Brown, born in N. Y. in 1797, removed to Mo., and from there to Cal. in 1846. E. B. Bateman immigrated from Mo. in 1847, to Stockton, Cal. D. P. Baldwin, born in Ala, came to Cal. in May 1849, and resided at Sonora, in what is now Tuolumne co. A. P. Crittenden, born in Lexington, Ky, married in Va, settled in Texas in 1839, left his family in Tex. and came to Los Angeles, Cal., in 1849. B. Cory, born in Ohio in 1825, came to Cal. in 1847, and resided at San José. José M. Covarrubias, born in France, came to Cal. in 1834, and resided at Sta Bárbara. James A. Gray, born in Phil., came to Cal. in 1846, in N. Y. regt. John F. Hughes, born in Louisville, Ky, came to Cal. in 1849. Thomas J. Henly, born in Ind., came to Cal. in 1849, through the South Pass; resided at Sac. Joseph C. Moorehead, born in Ky, came to Cal. in 1846. Elisha W. McKinstry, born in Detroit, Mich., came to Cal. in 1849; resided at Sutter. J. S. K. Ogier, born in S. C., removed to N. O., and thence to Cal. in 1848. Edmund Randolph, born in Va, migrated via N. O. to S. F. in 1849. Geo. B. Tingley, born in 1815, in Ohio, came to Cal. in 1849. John Cave, born in Ky. Alfred Wheeler, born in N. Y. city, in 1820, came to Cal. in 1849; resided at S. F. *Marin Co. Hist.*, 210–12; *Colusa Sun*, in *Southern Californian*, May 22, 1873; *Anthropographic Chart*, 1867; *Cal. State Register*, 1857. The secretary of the senate was J. F. Howe; asst sec., W. B. Olds; enrolling clerk, A. W. Lockett; engrossing clerk, B. Dexter—resigned April 10, 1850—succeeded by F. T. Eldridge; sergt-at-arms, T. J. Austin; door-keeper, E. Russell. The clerk of the assembly was E. H. Thorp, who, being elected clerk of the supreme court Feb. 21st, was succeeded by John Nugent; asst clerk, F. H. Sandford; enrolling clerk, A. D. Ohr, appointed asst clerk, and Sandford enrolling clerk in Jan. Engrossing clerk, C. Mitchell; transcribing clerk elected in Jan., G. O. McMullin; sergt-at-arms, S. W. Houston; door-keeper, J. H. Warrington. *Hayes' Scraps, Cal. Notes*, iii. 198.

senators, this being the object of the so early meeting of that body, the candidates being upon the ground, plying their trade of blandishments, including an inexhaustible supply of free liquor.[5]

Of candidates there were several, Thomas Butler King, John C. Frémont, William M. Gwin, Thomas J. Henley, John W. Geary, Robert Semple, and H. W. Halleck. On the first count Frémont received twenty-nine out of forty-six votes, and was declared elected. On the second count Gwin received twenty-two out of forty-seven votes, increased to twenty-four at the third count, and he was declared elected. Halleck ran next best; then Henley. King received ten votes on the first count, the number declining to two, and at last to one.[6] Charges were preferred against him, and he was not wanted because he was thought not to be so much interested in California as in his own personal aggrandizement. Frémont enjoyed the popularity which came from his connection with the conquest, and his subsequent trial in Washington, in which he had the sympathies of the people. Gwin

[5] It has always been alleged that the American-Californians of an early period drank freely, and this body has been styled the 'legislature of a thousand drinks.' However this may have been, it was the best legislature California ever had. For what they drank, the members returned thanks. All were honest—there was nothing to steal. Their pay was no inducement, as they could make thrice as much elsewhere. Furthermore, this was before Californians began to sell themselves as political prostitutes. In *Currey's Incidents*, 7, I find it stated that the first legislature was chiefly made up of the 'chivalry,' who were aggressive, and so on, but the evidence is the other way. I should say that chiefly they were hard-working men. The candidates for the U. S. senatorship kept 'ranchos,' as they were termed, or open houses, where all might enter, drink freely, and wish their entertainer's election. But the legislature of a thousand drinks received its designation, not on account of this prodigal custom, but through the facetiousness of Green of Sac., who, for lobbying purposes, kept a supply of liquors near the state-house, and whenever the legislature adjourned, he cried to the members, 'Come let us take a thousand drinks.' Crosby says: 'There were a few roistering men in the legislature, more in the assembly, the senate being a small body, and composed of very circumspect gentlemen.' *Early Events*, 61–2; *Fernandez, Cal.* MS., 165; *Watsonville Pájaro Times*, April 29, 1865; *Owen, Sta Clara Valley*, 10; *Hayes' Scraps, Cal. Notes*, v. 30; *Sac. Record Union*, March 27, 1875; *Hall, San José Hist.*, 220; *Peckham, Biog.*, in *San José Pioneer*, July 28, 1877, 30.

[6] *Jour. Cal. Leg.*, 1850, 23–26; *Petaluma Argus*, Sept. 12, 1873; *Polynesian*, vi. 150; *Amer. Quart. Reg.*, iv. 515; *Sup. S. F. Pac. News*, Dec. 27, 1849; *Tuthill, Cal.*, 76–7; *Cal. Jour. Sen.*, 1850, 38–9; *Id.*, 1851, 19–21.

was no less selfish in his aspirations than King; but there was this difference: he was an abler man, cooler and more crafty. Furthermore, while King cared only for himself and for the present, Gwin's selfishness was less proximate and prominent. He had a distinct object in view, which concerned the future of the country. His sympathy with the fire-eaters of the south was well understood, and more than anything else elected him; for in the then existing struggle between the north and south in congress, the northern men in the legislature saw that to elect two senators with anti-slavery sentiments would prevent the admission of the state. Conceding that honesty was his best policy, his fitness for the position was admitted, while his personal interests, it was believed, would lead him to labor for the good of California.

On the 21st Governor Burnett delivered his inaugural message to the legislature. "The first question you have to determine," said he, "is whether you will proceed at once with the general business of legislation, or await the action of congress upon the question of our admission into the union." Upon this he made an argument which was conclusive of their right to proceed; made some comments on the science of law; cautioned them concerning the "grave and delicate subject of revenue," informing them that the expenses of the state government for the first year would probably exceed half a million dollars; recommended a direct tax, to be received in California gold at sixteen dollars per ounce; advised the exclusion of free negroes from the state; and made suggestions touching the judiciary. It is a verbose document, characterized by no special ability. The exclusion of free negroes was always a hobby of Burnett's. When he revised the Oregon fundamental laws in 1844, he introduced the same measure against negroes, which was finally incorporated in the constitution of that state, where it remains to this day, a dead letter. The negro had never so great an enemy as his former

master, with whom there was no compromise; it was master or nothing. Burnett had been brought up in a slave state, and although he had resigned the privileges of master, he could not brook the presence of the enslaved race in the character of freedmen. Then, too, if to exclude black slaves was a popular measure, to exclude black freemen must be more popular, and popularity was by no means to be ignored. There was a good deal of apprehension among men of Burnett's class, who were alarmed at the rumor that many southern men designed bringing their slaves to work in the mines, taking the risk of their becoming free. In point of fact, a good many persons of the African race were brought to California in 1849 and 1850, who being thus made free, asserted their rights and remained free, often acquiring comfortable fortunes and becoming useful citizens. As soon as it became established by experience that slavery could not exist in California, even for a short time, the importation of negroes ceased, and there was no need of a law for their exclusion, and the preservation of society from the evils apprehended from their presence. But the effort to maintain the right of the master to the slave[7]

[7] An advertisement appeared in the *Jackson Mississippian*, of April 1, 1850, headed, 'California, the Southern Slave Colony,' inviting citizens of the slave-holding states wishing to go to Cal. to send their names, number of slaves, period of contemplated departure, etc., to the Southern Slave Colony, Jackson, Miss. It was stated that the design of the friends of the enterprise was to settle in the richest mining and agricultural portions of Cal., and 'to secure the uninterrupted enjoyment of slave property.' The colony was to comprise about 5,000 white persons, and 10,000 slaves. The manner of effecting the organization was to be privately imparted. *Placer Times*, May 1, 1850. Under the influence of the governor's message, and their apprehensions, the assembly passed a bill excluding free negroes, which was indefinitely postponed in the senate. *Jour. Cal. Leg.*, 1850, 1232-3, 347. On the 23d of May a colored man named Lawrence was married to a colored woman, Margaret, hired out to service by a white man named William Marr, who claimed her as his slave. Early on the following morning Marr forced the woman, by threats, and showing a pistol, to leave her husband and go with him. He afterward offered to resign her on payment of $1,000. *Placer Times*, May 27, 1850. A white man named Best brought a colored woman, Mary, to Nevada, Cal., in 1850, from Mo. He was a cruel master, but she remained with him until he returned in 1854, when she borrowed money to purchase her freedom. Soon after she married Harry Dorsey, a colored man, and lived happily with him until her death in 1864. *Nevada Gazette*, Sept. 3, 1864. Charles, a colored man, came to Cal. as the slave of Lindal Hayes. He escaped, and was brought before Judge Thomas on a writ of habeas corpus, and discharged,

was not relinquished for a number of years, as will be seen hereafter.

On the 22d and succeeding days contributions were made to a state library of the *Natural History of the State of New York*, and reports upon the common schools and agriculture of that state, *Dana's Mineralogy*, *Fremont's Geographical Memoir and Map*, the *Mier Expedition*, and a copy of the Bible. If any of the members found time to look between the covers of these improving books, it does not appear in the journals.

An election of state officers resulted in making Richard Roman, treasurer; John S. Houston, comptroller; Edward J. C. Kewen, attorney-general;[8] and Charles A. Whiting, surveyor-general. S. C. Hastings was elected chief justice of the supreme court, and Henry A. Lyons and Nathaniel Bennett associate judges. There was not so much as a quire of writing paper, an inkstand, or a pen belonging to the state, nor any funds with which to purchase them. No contract had been made for printing, and each sena-

the judge maintaining that under the laws of Mexico, which prevailed at the time of his arrival, he was free. The constitution of Cal. forbade slavery also; and the man having been freed by the Mexican law could not be, in any case, seized as a slave. On the 24th of May Charles was brought up for breach of the peace, charged with assault on Hayes, and resistance to the sheriff. It turned out that the sheriff had no warrant, and that Charles having been declared a freeman was justified in defending himself from assault by Hayes, and the unauthorized officers who assisted him. Counsellor Zabriskie argued the law; also J. W. Winans; Justice Sackett discharged the prisoner. *Placer Times*, May 27, 1850; *S. F. Pac. News*, May 29, 1850; *Fay's Statement*, 18–21. In Aug. 1850, one Galloway, from Mo., arrived in Cal. with his slave Frank, whom he took to the mines, whence he escaped in the spring of 1851, going to S. F. Galloway found him in March, and locked him up in the Whitehall building on Long wharf. A writ of habeas corpus was issued in Frank's behalf by Judge Morrison, the negro stating that he believed Galloway meant to take him on board a vessel to convey him to the states. Byrne and McGay, and Halliday and Saunders, were employed in the interest of the slave, and Frank Pixley for the master, who alleged that he was simply travelling with his attendant, and meant to leave the state soon. But the judge held that Galloway could not restrain Frank of his liberty, as he was not a fugitive slave, but if brought at all to the state by Galloway, was so brought without his consent. He was allowed to go free. *Alta Cal.*, April 2, 1851; *S. F. Courier*, March 31, 1851. There were many slaves in the mines in 1851, and many appeals in court for the reclamation of slaves. *Borthwick*, 164–5; *Hayes' Scraps*, *Angeles*, MS., i. 28.

[8] Kewen resigned in 1850, and James A. McDougall was elected to fill the vacancy.

tor had ordered a copy of the governor's message for his individual use In this strait a joint resolution that the secretary of state, comptroller, judges of the supreme court, and all other state officers should have power to procure the necessary blank books, stationery, and furniture for their offices, was offered—and lost. The weather, their accommodations, and their poverty together were almost more than men who had sacrificed their own interests to perform a public duty were able to bear; but they sturdily refused to adjourn, taking only three days at the Christmas holidays in which to recreate, and wait for printing proposals.

To lighten their hearts the inhabitants of San José gave them a ball on the 27th of December, in the assembly-chamber,[9] and hither came the beauty and chivalry of California, at least as much of it as could get there through a drenching rain, on a Liliputian steamboat, from Benicia, and by whatever means they had from other directions. About the 1st of January they settled down to the work before them.

Green, the irrepressible senator to whom everything was a huge joke, who had been elected in a frolic, and thought legislation a comedy, had very inappropriately been placed at the head of the finance committee, and brought in a bill for a temporary loan at ten per cent per annum, when the lowest bank rate was five per cent per month. While the legislature was struggling with the problem of how to get money for current expenses, Michael Reese, long a prominent money-bags of San Francisco, made a suggestion that they pass a bill authorizing the issue of treasury notes, payable in six or twelve months, with interest at the lowest current rate, and in small denominations, which hotel-keepers would accept for board, promising to take some of them himself for money—he did not say

[9] *Annals S. F.*, 237; *Cal. State Register*, 1857, 189; *S. F. Pac. News*, April 27, 1850; *Hayes' Scraps, Angeles*, i. 15; *Oakland Transcript*, in *West Coast Signal*, May 27, 1874; *S. F. Argonaut*, Dec. 1, 1877.

at the rate of fifty cents on the dollar. An act authorizing a loan of $200,000, to pay the immediate demands on the treasury until a permanent fund could be raised, passed, and was approved January 5th, proposals to be received until the 25th, the loan to be for a term of not less than six, nor more than twelve years. Another act was passed in February creating a temporary state loan, authorizing the treasurer to issue the bonds of the state in sums of $100 and upwards to $1,000, payable in six months, and not exceeding in the aggregate $300,000, with interest at three per cent per month. The bonds were to remain at par value, be received for taxes, and redeemed as soon as there was sufficient money in the treasury.[10]

Laws, enacted for the collection of revenue, taxed all real and personal estate, excepting only that devoted to public uses and United States property, exempting the amount of the holder's indebtedness, and exempting the personal property of widows and orphan children to the amount of $1,000 each. Money was construed to be personal property, and incorporated companies were liable to be taxed on their capital. The amount levied for the year 1850 was fifty cents on every $100 worth of taxable property, and a poll tax of $5 on every male inhabitant over twenty-one and under fifty years of age. It was a peculiarity of California at that period that there were few men here fifty years old, excepting the elders of the native Californians. The argonauts were all in their prime.

Courts of second and third instance were abolished, and courts of first instance retained until the district courts should be organized. Nine judicial districts were created, the first comprising the counties of San Diego and Los Angeles; the second Santa Bárbara and San Luis Obispo; the third Monterey, Santa Cruz, Santa Clara, and Contra Costa; the fourth San Francisco; the fifth Calaveras, San Joaquin, Tuol-

[10] *Cal. Statutes*, 1850, 53–4, 458; *Crosby, Events in Cal.*, MS., 63; *S. F. Alta*, Jan 14, 1850

umne, and Mariposa; the sixth Sacramento and El Dorado; the seventh Marin, Sonoma, Napa, Solano, and Mendocino; the eighth Yolo, Sutter, and Yuba; the ninth Butte, Colusa, Trinity, and Shasta. The judges were to be elected by the people, and commissioned by the governor. Besides the supreme court elected by the legislature, which should hold its sessions at the seat of government after holding first one special term at San Francisco, there was created the municipal court of superior judges for the city of San Francisco, consisting of a chief justice and two associate justices. Justices of the peace attended to minor causes. Crosby was chairman of the judiciary committee, and made an able report on the adoption of the common law, as against the civil law, as the rule governing the decisions of the courts in the absence of statutory law.[11]

De la Guerra was chairman of the committee on counties and their boundaries, for the senate, and Cornwall for the assembly. The state was divided into twenty-seven counties, and a commission appointed to report the derivation and definition of their several names, of which Vallejo was the chief, and made an interesting report.[12] No objection seems to have been offered by the inhabitants to the boundaries, unless in the case of Monterey district, which in August 1849 had petitioned the local legislature against a proposed division. However, the state legislature received two petitions from Santa Cruz, and from 141 Americans, headed by A. A. Hecox, and another from nineteen native Californians, headed by Juan Perez, asking for a separate county, which was set off in accordance with a report of a joint delegation from Monterey and San José.[13]

[11] Crosby says there was quite an element of civil law in the legislature, which naturally might be, as the foreign element was chiefly descended from the Latin races. Being a New Yorker, he favored the English common law. His report was scanned by Bennett, and being sent to members of the bar in that state, he received as a testimonial a handsome seal engraved with his crest. *Rockwell, Span. and Mex. Law*, 506.

[12] *Jour. Cal. Leg.*, 1850, 523-7.

[13] *Santa Cruz Sentinel*, Aug. 1, 1868; *Jour. Cal. Leg.*, 92.

The county seats were established at the principal towns, except in the cases of Marin and Mendocino, attached to Sonoma for judicial purposes; and Colusa and Trinity attached to Shasta until organized, some of the northern counties being left to choose their own seats of justice.[14] The expenses of county governments were to be defrayed out of licenses collected in them, upon every kind of trade and business except mining by citizens of California.[15] County elections were to be held on the first Monday of April 1852, and on the same day of every second year thereafter; but the annual state election for members of the assembly, and other officers required to be chosen by the qualified electors of the state or of districts, was fixed for the first Monday in October.

The militia law declared subject to enrolment for military duty all free white men between the ages of eighteen and forty-five, excepting such as had served a full term in the army or navy, or were members of volunteer companies within the state. The militia and independent companies were organized into four divisions and eight brigades; the governor to be commander-in-chief, who might appoint two aides-de-camp, with the rank of colonels of cavalry; but the legislature should elect the major and brigadier-generals, one adjutant and one quartermaster general, with the rank of brigadier-general, all to be commissioned by the

[14] To be more explicit, and preserve some early names: In San Diego, Los Angeles, Santa Bárbara, San Luis Obispo, Monterey, Santa Cruz, S. F., Sac., Napa, and Sonoma, the county seats had the same name as the county. Of Santa Clara, San José was made the county seat; Contra Costa, Martinez; Solano, Benicia; Yolo, Frémont; El Dorado could choose between Coloma and Placerville, and took the latter; Sutter, Oro; Yuba, Marysville; Butte had to choose between Butte and Chico, and took the latter; Colusa was attached to Butte co.; Shasta, Reading; Trinity was attached to Shasta; Calaveras was first given Pleasant Valley for a county seat, but it was changed a few weeks later to Double Springs; San Joaquin, Stockton; Tuolumne, Stewart, formerly known as Sonoran Camp; Mariposa, Aqua Fria. An act was passed providing for the removal and permanent location of the seats of justice, as required by the people.

[15] A law was enacted taxing foreign miners $20 per month as part of the revenue of the state, until the gov. should be 'officially informed of the passage of a law by the U. S. congress assuming the control of the mines of the state.' *Cal. Statutes*, 1850, 221-2.

governor. All persons liable to enrolment, and not members of any company, were required to pay two dollars annually into the county treasury. The money thus collected was called the military fund, which was increased by the exemption tax of minors required of their parents or guardians, and applied solely to the payment of the expenses of that department of the government, including salaries of officers.[16] The four major-generals of division elected were Thomas J. Green, John E. Brackett, David F. Douglas, and Joshua H. Bean, in the order here given. The generals of brigade were J. H. Eastland and William M. Winn, 1st division; Robert Semple and Major McDonald, 2d division; John E. Andison and D. P. Baldwin, 3d division; Thomas H. Bowen and J. M. Covarrubias, 4th division. T. R. Per Lee was chosen adjutant and Joseph C. Moorehead quartermaster-general. Only these last two officers drew any salary.

In the following October, the Indians being troublesome in El Dorado county, the governor called on the sheriff of that county, William Rogers, to raise troops to operate against them, and the legislature of 1851 passed laws providing for the payment of Rogers as major, and of the troops employed in two expeditions against the Indians, but took no notice of generals, who remained in office merely for the distinction of their rank. Nor was the law amended for many years; but in 1872 the organized, uniformed troops of the state were the subject of legislation which converted them into the present National Guard, consisting of thirty-two infantry, six cavalry, and two

[16] *Cal. Statutes*, 1850, 190-6. This law was several times revised, and in 1872 took its present form. *Cal. Codes*, 154-84. Only two officers were salaried; the adjutant-general receiving $1,000 per annum, and the quartermaster-general $2,000. Gen. Winn brought in a claim in 1860 for services rendered, which were not, however, recognized by the legislature, as no law could then be found authorizing the payment of any officer above the rank of major. *Cal. Jour. Assem.*, 1860, 253-4. The clerk of the house military com. was Davis Divine, a lawyer from Oneida co., N. Y., who came to Cal. in 1849, and settled in San José. He was also clerk of the judiciary com. of the senate. He was for many years justice of the peace and judge of the court of sessions; and projected the first R. R. co. to build a road to S. F. from San José. *Owens, Santa Clara Valley*, 37.

artillery companies, whose pay when in service is the same as that of United States officers and soldiers. All claims are submitted to a board of military auditors, consisting of the commander-in-chief, adjutant-general, and attorney-general; and its warrants are paid by the state treasurer. The sum of $300 is annually allowed to each company of over sixty members, a proportionate amount to smaller companies, and $100 to each detachment of engineers, for expenses. Three officers are salaried: the armorer, adjutant-general, and assistant adjutant-general

An act was passed, which was allowed by the schedule to the constitution, to the first legislature, authorizing a loan in New York on the faith and credit of the state, for the expenses of the state, not to exceed $1,000,000, at ten per cent per annum, and redeemable in twenty years, or if desired by the state at any time after ten years. This unfortunate willingness to plunge into debt was a part of the mental condition of Californians at this period, and was in marked contrast with the prudent economy of the early Oregonians. Both were the result of circumstances. In Oregon there was no money; in California there promised to be no limit to it. The amount required to pay the salaries of state officers was $107,500, which did not include the state printing, always considerable, nor the pay of legislators at sixteen dollars per diem, and equally extravagant mileage. Yet it was difficult to retain a quorum, such were the inducements to members to look after their mining or other interests, and the sergeant-at-arms found his office no sinecure. At one period the senate, in order to go on with its business, was reduced to the necessity of deciding that eight constituted a quorum instead of nine, and one ever-busy senator was arrested for being absent long enough to pay a sick member a morning visit. Several resignations and new elections took place, and one assemblyman never claimed his

seat. Nevertheless, the code of 1850 is a very creditable performance, liberal in its tone, and remarkably well adjusted to the new conditions in which the legislators found themselves.

The resolutions passed on the subject of slavery were sounding brass and tinkling cymbal ten years later,[17] but were sound democratic doctrine, though somewhat unsound democratic grammar, in 1850. The democratic party in America was fast becoming the pro-slavery party. In congress this party insisted on the right of a state to determine the question of slavery for itself, but when such state elected to be free, endeavored to keep it out of the union. California, with a strong southern element, was controlled by northern sentiment; and the interests of all men as individuals demanding the admission of the state, there was by universal consent at this time an effort to ignore the necessity for the tremendous struggle going on at the national capital. At a later period some of these same men were drawn into the conflict.

One great error committed by the first legislature was in not making a permanent location of the capital. Instead of so doing, the question was left open to election between the towns aspiring to the honor,[18] and the seat of government was hawked about for years in a manner disgraceful to the state. Monterey, San José, Sacramento, and Vallejo all desired and

[17] 'That any attempts by congress to interfere with the institution of slavery in any of the territories of the U. S. would create just grounds of alarm in many of the states of the union; and that such interference is unnecessary, inexpedient, and in violation of good faith; since, when any such territory applies for admission into the union as a state, the people thereof alone have the right, and should be left free and unrestrained, to decide such question for themselves.' Broderick, who had been elected to fill the place of Bennett, resigned in January, moved the insertion of the following: 'That opposition to the admission of a state into the union with a constitution prohibiting slavery, on account of such prohibition, is a policy wholly unjustifiable and unstatesman-like, and in violation of that spirit of concession and compromise by which alone the federal constitution was adopted, and by which alone it can be perpetuated,' which addition was adopted. *Jour. Cal. Leg.*, 1850, 372-3.

[18] *Cal. Statutes*, 1850, 412; *S. F. Pac. News*, Oct. 5, 7, 1850.

made bids[19] for the seat of government. Sacramento offered public buildings, and actually secured $1,000,000 in subscriptions toward this object. The offer of Vallejo being considered superior[20] in many respects, the people voted to accept his proposition. But when the second legislature met, they found the new town remote and dull, hotel accommodations limited, and amusement lacking; whereupon, after a few days, they adjourned to San José, which was still the legal capital, no act having been passed changing its location, for which reason and others, the executive had remained at San José, this town being his residence. On the 4th of February a bill was passed making Vallejo the permanent seat of government. At this place the third legislature was convened, but before the end of the month removed to Sacramento, "to procure such accommodations as were absolutely and indispensably necessary for a proper discharge of their legislative duties," the archives and the state officers joining in these perambulations by land and water, the latter under protest, and the former at great risk of destruction. On the 1st of June, 1852, the archives were carried back to Vallejo, and the state officers ordered to transport themselves thither. The legislature of 1853 was induced to move to Benicia, where it was solicited to accept for the state a present of a legislative hall, and other property, and on the 4th of February and 18th of May of that year passed acts making Benicia the "permanent seat of government."

[19] San José subscribed a tract of land a mile square, all eligibly situated, with a perfect title; water and building stone on the land; the consideration being that the state should lay it off in lots, to be sold to the best advantage (except such portions as should be reserved for state buildings), ⅓ of the proceeds to go to the subscribers and ⅔ to the erection of the public buildings. *Val., Doc.*, xiii. 72; *Sta Clara Co. Hist. Atlas*, 10–11; *Tuthill, Hist. Cal.*, 391–2; *Cal. Jour. Sen.*, 1850, 498–504, 1302, 1307, 1310; *Richardson, Hist. Vallejo City*, in *Cal. Pioneers*, no. 3, p. 12.

[20] See chapter on birth of towns, this vol.; *Cal. Statutes*, 1851, 430; *Marin Co. Hist.*, 212–14; *Val., Doc.*, MS., 35, 221; *Id.*, MS., xiii. 72, 179, 211, 218, 228; *Cal. Statutes*, 1853, 309; *Vallejo Chronicle*, July 6, 1867; *Id.*, Jan. 25, 1868; *S. F. Evening Picayune*, July 16, 1851; *Oakland Transcript*, May 13, 1874; *Eureka West Coast Signal*, May 27, 1874; *Sacramento Transcript*, Feb. 1, 1851; *Polynesian*, vi. 150; *Assem. Jour.*, 1852, 500–2, 701–2, 99; *Solano Suisun Press*, July 17, 1867; *Cal. Sen. Jour. App.*, 503.

Vallejo being thus abandoned, the friends of San José who were numerous in San Francisco, and comprised some of the principal men in the state, and the state officers, began to plot for the return of the capital to that pueblo; while the Sacramentans renewed their efforts to secure this anything but permanent blessing. The fifth legislature met at Benicia the second day of January, 1854, and on the 25th of February again permanently located the seat of government at Sacramento. But by this time the executive and judicial branches of the government had become so bewildered that the latter refused to obey the plain letter of an act requiring the supreme court to hold its sessions "at the capital of the state," and sat instead at San Francisco, whither it had been ordered in 1850 to betake itself, and two of the judges declared Sacramento not the legal capital. District Judge Hester also threatened those state officers who had complied with the law and repaired to Sacramento with an attachment unless they came to San José, thus placing themselves above the legislative power through which they held their office. To test the question, suits were brought before Hester, of the third judicial district, and the mandamus case was argued by Parker H. French and Hall, attorneys for the complainants, Thomas L. Vermeule, and others; P. L. Edwards, he who in 1834 accompanied Jason Lee to Oregon, and the acting attorney-general, Stewart, appearing for the defence. Ground was taken against the right of individuals to sue the state. The relators, however, were allowed to amend their complaint to read, "The people of the state," as plaintiffs. They relied chiefly upon the position that San José was the constitutional capital, which the defence denied, denying also that the state officers were required by the constitution or laws to reside or keep their offices at the seat of government, and denying that they constituted any inferior tribunal, corpora-

tion, board, or person against whom a writ of mandamus might issue according to statute.

Judge Hester's decision was as peculiar as the other features of the case. He placed himself on the defensive, and in the light of a partisan, by declaring that the legislature had in March passed an act requiring the supreme court, then in session at San Francisco, to hold its sessions "at the capital of the state;" and that the supreme court, "in determining as to the location of their sessions, as required by the act, decided that San José was the capital, and had since in pursuance held their sessions there." The reasoning by which the court had come to this conclusion was by assuming that the constitution established the capital at San José; that the second legislature removed it to Vallejo; that by reason of the failure of Vallejo to fulfil his bond, upon which the removal was conditioned, the act became void, and the seat of government reverted to San José, from which it had never been removed by a constitutional vote of two thirds of both houses of the legislature. On the other hand, Chief Justice Murray differed from his associates, Heydenfeldt and Wells, and from Judge Hester. He held that the legislature had acted in a constitutional manner in fixing the seat of government by the act of 1851; and had an equal right to remove to any other place by a majority vote, the two-thirds vote being applicable only to the act of first removal from San José, and therefore that Sacramento was the legal capital of the state.

To settle these vexed questions a special term of the supreme court was ordered to be held at Benicia, in January 1855, at which time the legislature would be in session. A crisis had evidently arrived when a final decision must be made, and the legislature must vindicate itself. In the mean time the case of the people against the state officers had been appealed to the supreme court, and submitted on stipulation that a decision rendered out of term should stand as if

given at the regular session. The opinion rendered in December reversed the judgment of the court below, and the highest judicial authority in the state made its obeisance to the itinerant law-making power.[21] From that time to this, with the exception of the winter of 1862, when the great flood forced everybody out of Sacramento who could go, the seat of legislation and government has remained at Sacramento.

That money was used freely to corrupt members of the legislature while the seat of government was for sale, no one has ever pretended to doubt.[22] If the practice which has prevailed down to the present time, of buying and selling votes, could be said to have originated in the race for the capital, it is to be regretted that the constitution and first legislature left the subject open to this species of patriotism.

In February 1850, the governor laid before the assembly an address from the citizens of the "State of Deseret," presented by John Wilson and Amasa Lyman, delegates, asking that a new convention be held, to allow the people of California to vote upon the proposition of uniting Deseret and California temporarily in one state. The reason given for this request was that when the men of Deseret formed the constitution of their state, they neglected to exclude slavery, which now they perceived, in order to relieve congress of the existing conflict, they should have done. The true reason appeared to be, however, the desire to secure the privileges of state government without a sufficient population, and peradventure to prevent California being first admitted, with the boundary as

[21] *Soulé, Statement*, MS., 4; *Santa Clara News*, Nov. 7, 1867; *Placer Times*, Jan. 15, 1852; *Cal. Statutes*, 1853, 217; *Cal. Jour. Sen.*, 1854, 574, 603, 601; *Cal. Code*, 1854, 45; *Alta Cal.*, May 27, 1854; *Sac. Union*, Nov. 13, 1854.

[22] A writer in the *S. F. Post*, April 14, 1877, says that he was told by a shrewd and wily politician that to secure the passage of the bill removing the capital to Sac., he paid $10,000 in gold to the reigning king of the lobby, with which to purchase the votes of ten senators, and that the money was paid over for that purpose, and secured the measure. Though many of our patriots who go to Sacramento to make laws can be bought for $200 or $300, as high as $50,000 has been paid for a single vote.

chosen by her, which cut them off from a sea-port accessible during the winter season; their constitution taking in San Diego and a "very small portion of the coast."[23] The governor, in his message accompanying the address, and both branches of the legislature, declined to consider the proposal.

With regard to the public domain and mineral lands, two reports were presented by the committee on these subjects. The majority report presented the following views: that the mineral wealth of California had cost the United States too much to justify its unrestricted diffusion among foreigners; that permitting persons from South America to work their peons in the mines was giving them an advantage over citizens of the United States, who were prohibited from bringing their slaves to California for the same purpose; that the presence of so large a foreign population as was crowding into the mines was dangerous to the peace of the country, tending toward collisions, some of which had already occurred; that the morals of the young men flocking here from the states were jeopardized by enforced contact with the convict class which the mines were drawing from Australia; in short, that the mines of California should be reserved for her own citizens, and that congress be asked to pass laws excluding all except citizens, and those who honestly designed to become such, and empowering the legislature to make such regulations as should be deemed necessary. This report urged on the government the policy of not selling, but of leasing, mineral land, in small tracts, and only to American citizens or naturalized foreigners. This, it was thought, would secure the settlement of the mining regions with a moral and industrious class. The minority report opposed both

[23] The Mormon legislators assumed that the Sierra Nevada was the proper boundary between west and east California. By extending a line south from the main chain, where it breaks off above the 35th parallel, the sea is reached, owing to the south-east trend of the coast, about San Pedro Bay. For the documents in this case, see *Jour. Cal. Leg.*, 1850, 756–70; *Tuthill, Cal.*, 287–8; *Hall, Hist. San José*, 223–4.

selling and leasing, either system being sure to result in the control by monopolists of vast districts, to the exclusion of the great mass of the people, the holders combining to reduce labor to the lowest point, and degrading the laborer. But congress was to be urged to allow the mines to remain free, "a common inheritance for the American people."

The legislature finally passed joint resolutions on the subject of lands and other matters, instructing the California delegates to ask for the early extension of preëmption laws over California; the survey of tracts fronting on streams of water; for grants of land for educational and other purposes; for the passage of a law prohibiting foreigners from working in the mines; for the establishment of custom-houses at Sacramento, Stockton, Benicia, Monterey, and San Diego; for a branch mint at each of the towns of Stockton and Sacramento; for the money collected in California from impost duties before the extension of the revenue laws of the United States over the country, and until the adoption of the state constitution; and to prevent any action by congress which should either strengthen or impair the title to land in the state of California, but to have all questions concerning titles left to the judicial tribunals of the country. The only law passed touching the subject of lands belonging to the United States gave the occupant title by possession, against intrusion, provided the amount of land claimed did not exceed 160 acres, that it was marked out by boundaries easily traced, or had improvements thereon to the value of $100; but a neglect to occupy or cultivate for a period of three months should be considered an abandonment of the claim. Any person claiming under this act was entitled to defend his rights according to its provisions in courts of law.

Another act concerned cases of forcible entry and detainer, and like the first was intended to prevent land troubles, which, as has already been shown, com-

menced with the conquest of the country,[24] and particularly in Sacramento, the validity of the Sutter title to lands in and contiguous to that city being in dispute. But these laws had exactly the opposite effect to that intended, since they gave vitality to the squatter organization, which became contumelious in consequence, the discontent leading up to serious rioting, in which several officers of the law and citizens were killed.

The squatter party was composed chiefly of men from the Missouri border, who had no knowledge of Spanish grants, and who regarded the whole country as belonging to the United States and subject to preemption—the same class of men who rooted out the Hudson's Bay Company from Oregon, schooled in the idea that all soil under the American flag is free to all Americans until patented to individuals by the government. Finding that the Sacramento town company was making money freely out of sales of land to which, in their estimation, no title had yet been obtained, they sat down on vacant lots within and without the surveyed limits, and without reference to the fact that other men had purchased those same parcels of land at high prices from the Spanish grantee and his associates, proceeded to enclose and build upon the same. To the laws passed by the legislature they paid no heed, except to condemn them as hostile to themselves, refusing to yield obedience to a government not yet sanctioned by congress. This subject has been treated of in a general way in my chapter on Mexican land titles; but the incidents attending the

[24] As early as 1847 and 1848 the *Cal. Star* published articles advocating a territorial legislature in order that laws might be enacted for the settlement of land titles. The author of these articles was probably L. W. Hastings, to whom I have often had occasion to refer. Later, when he was a member of the constitutional convention, he was held in check by the necessity of making such regulations as congress would pronounce valid and just under the treaty. But Hastings only represented the western idea of land matters. To the people belonged all the unoccupied U. S. territory. Cal. was, after the conquest and treaty, U. S. territory; therefore Cal. belonged to the people. Better informed men held similar views, founded upon the right and duty of the people to frustrate monopolies—a higher law doctrine.

squatter outbreak at Sacramento offering a striking commentary upon the critical condition of the country while waiting for congress to admit the state, I append an account condensed in the form of a note.[25]

[25] Sacramento was surveyed in the autumn of 1848, for Sutter by Warner, when Burnett became agent and attorney for Sutter, to sell lots and collect money. The sales were rapid, at good prices, and naturally excited remark among the ultra-American element in the mines. Sutter, who had been in embarrassed circumstances, was quickly relieved, and under the excitement of success sold land to which his title was doubtful, and as it afterward proved worthless—that is, on his Micheltorena grant, which was made to cover, as the squatters declared, 'the whole Sacramento Valley.' An examination of the Sutter grants showed, as many believed, that the Alvarado grant did not reach to the city of Sacramento by a distance of 4 miles, as has elsewhere been stated. Those who had no respect for Spanish and Mexican grants believing that to be valid they must first be confirmed by congress, and that congress would never allow such vast tracts to pass to single individuals; and those who believed that the Alvarado grant did not cover the city of Sac.—began in 1847 to organize themselves into a Settlers' Association, *Placer Times*, June 3, 1850, and to squat upon land both in the town and outside of it. About the middle of October, Z. M. Chapman, erroneously called George Chapman in *Morse's Directory of Sac.*, 1853–4, 17, went upon a piece of unoccupied land out of city limits claimed by Priest, Lee, & Co., and cut timber, to erect a cabin and for other purposes. In Chapman's account in the *S. F. Bulletin*, of June 15, 1865, which seems an honest statement, he says that if a man pitched a tent within the limits of the city he was compelled to pay to Priest, Lee, & Co. a bonus of from $5 to $12 per day. This tax fell heavily on the weary gold-seeker who had just come across the plains and desired to have a starting-point from which to set out in the spring. It was probably designed to compel such persons to purchase lots. But lots were held at from $500 to $6,000 and $8,000; and Chapman, who was a newcomer, 'thought he had as good a right to any unoccupied lands adjacent to the city as any citizen of the U. S.,' squatted accordingly, as I have said, claiming 160 acres. Twelve days after he began building; and when his house was ready for the roof, he was visited by Pierre B. Cornwall and another of the town owners, who required him to desist from cutting timber, and on his declaring his intention to preëmpt the land, warned him off at the peril of his life. Chapman replied that they were all within jurisdiction of civil authority, and as his life was threatened, they must immediately report at the alcalde's office, or submit to arrest, on which they agreed to dispossess him legally if they could. On the following day a writ of ejectment was served on Chapman, who was ordered to stand trial a few days afterward. When the suit came on many persons were in attendance. Chapman called for proofs of Sutter's title, and none satisfactory were produced. Three times the case was adjourned, but finally a jury decided in favor of Sutter's claim, a decision which the settlers' organization ignored, calling the trial a sham. It was then that squatting on town lots began, nearly every unoccupied lot being taken. Chapman still refused to quit his claim. *Placer Times*, Dec. 1, and 15, 1849. According to his statement, he was offered peaceable possession of 20 acres to relinquish his pretensions to the remainder of the 160 acres, which offer he refused, when he was waited on by the sheriff with a writ of ejectment. Still Chapman refused to vacate the premises, and received another visit from the sheriff, with a posse of 50 men, who, the friends of Chapman being absent, pulled his house down, after removing his portable property. This was Saturday evening. On Monday a meeting was called for Tuesday, which was largely attended, and resolutions passed by the squatters that no more houses should be torn down. While the resolutions

The land questions were indeed of the greatest importance, while congress had failed to take any meas-

were being passed, the Sutter party set fire to and burned a cabin which had been erected on Monday by the squatters on Chapman's claim. Another cabin soon arose on the same site, and the squatters held another meeting, at which it was resolved to retaliate upon Sacramento if any more squatter buildings were destroyed. The rainy season commencing soon afterward, and a flood causing both parties to abandon temporarily the city site, no further action was taken before the following spring. As for Chapman, he returned to the states, having lost his health from exposure to the inclemency of that season, and never returned to renew his claim. Not so his associates, who in the spring of 1850 redoubled their efforts to prove Sutter's claim illegal. At their head in 1850 was Charles Robinson, afterward governor of Kansas, who was an immigrant from Fitchburg, Mass., a college graduate, a physician, and a man of honest convictions, who was fighting for squatterism because he believed in it. J. Royce, in *Overland Monthly*, Sept. 1885.

In May there was a great accession to the squatter force. The organization kept a recorder's office, paid a surveyor and register, and issued certificates of title as follows:

We know our rights, and knowing dare defend them.

OFFICE OF THE SACRAMENTO CITY, SETTLERS' ASSOCIATION.
SACRAMENTO CITY, ... 1850.

Received of ...... fifteen dollars for surveying and recording lot No. .... situated on the .... side of ...... street, between ...... and ...... street; measuring forty feet front by one hundred and sixty feet in depth, according to the general plan of the city of Sacramento, in conformity with the rules of the association.

$15. [Signed]

Surveyor and Register of the Sacramento Settlers' Association.

The public domain is alike free to all.

Men who had purchased lots of Priest, Lee, & Co. had their lumber brought for building purposes removed, or were forbidden to leave it on the ground. Even a sum of money offered by the owner failed to induce the squatter to vacate the lot. A petition was forwarded to congress asking in effect for a distribution of the public lands among actual settlers. Cases brought into the courts, and determined against the squatters produced no change in their proceedings. Two suits were decided adversely to them in Justice Sackett's court, argued by McCane on their side, and Murray Morrison on the opposite side. Nothing, however, moved them from their position; and least of all the charge of cowardice, which was hurled at them by the press. Complaint being made that the squatters had not a fair hearing in the newspapers, they were invited to 'come out openly, and make known their real views. Merely abstract ideas do not meet the present occasion. And all who properly consider their own interests and the peace and welfare of the city must take immediate and summary action.' *Placer Times*, June 3 and 5, 1850. The excitement increased; squatters' fences were pulled down, and meetings continued to be held. The squatters endeavored to evade going to court, hoping to hold out until the state should be admitted, when they expected that U. S. laws would come to their relief. Yet they did sometimes get into the courts.

On the 10th of August an adverse decision was rendered in the case of John F. Madden, who had squatted on a lot belonging to John P. Rogers and others, of the Sutter party, in the county court, by Judge Edward J. Willis. The attorneys for Madden talked of appeal to the supreme court, on the ground that the plaintiff Rogers had shown no title. Judge Willis remarked that he knew of no law authorizing such an appeal. The rumor spread abroad that Willis had said no appeal could or should be had. 'No appeal! Shall Judge Willis be dictator? Outrage!' Such were the ejacula-

ures providing for their adjustment. The titles to the land on which the three chief cities were built were

tions. A meeting was called for that evening, and resolutions of resistance to oppression passed. On the 12th, being Monday, Robinson published a manifesto refusing to recognize the state legislature and other state officials as anything but private citizens, and threatening a resort to arms if molested by the sheriff. This amounted to rebellion and revolution, and in fact retarded the execution of the judge's order to dispossess the squatters on the land in question. About 200 men were assembled on the disputed territory. Robinson had about 50 names enrolled of men he could depend upon to fight, and managed, by adroitly mingling them with the other 150, to make his army appear larger than it really was. Mayor Bigelow appeared on horseback and made an address, advising the crowd to disperse, to which Robinson replied respectfully but firmly that his men were upon their own ground, and had no hostile intentions unless assailed. An interview was finally arranged between Robinson and the mayor at his office, when the latter said that he would use his personal influence to prevent the destruction of the property of the settlers, and also informed Robinson of the postponement of the executions issued by the court. The squatters then dispersed for the day. Some steps had been taken to organize militia companies, but from the unready condition in which the crisis found the municipal government, it is apparent that Mayor Bigelow did not realize the danger of the situation. On the 13th James McClatchy and Michael Moran were arrested and brought before Justice Fake, charged with being party to a plan to resist the enforcement of Judge Willis' writ of ejectment. The evidence being strong, in default of $2,000 bail they were lodged in the prison brig, anchored in the river. The county attorney, McCune, was also under arrest, to be tried on the 14th, and a warrant was out for Robinson, but he was not taken. *Sac. Transcript*, Aug. 14, 1850. On the morning of the 14th the sheriff, Joseph McKinney, seized a house on 2d street, in pursuance of his duty. A party of 30 squatters, under the leadership of James Maloney, retook the house. Maloney, on horseback armed with a sword and pistols, next marched down L street to the levee, in the direction of the prison ship, followed by a crowd of citizens, who thought their intention was to release the prisoners. By this time the excitement ran high, although there was no apprehension of bloodshed. The affair seemed rather a spectacle than a coming tragedy, and the spectators hooted, laughed, and shouted. But the mayor, who could no longer blind himself to the necessity of asserting his authority and the power of law, rode up and down the streets, and made his proclamation to the people to sustain both. Many then ran for arms. The squatters on reaching I street halted and began to remove some lumber from a lot; but Maloney checked them, alleging that the lumber belonged to one of his friends. He then led them up I street, still followed by a laughing and jeering crowd. At the corner of I and Second street, seeing the mayor approaching, the citizens waited to hear what he might have to say to them, but the squatters marched on, turning into Third street, and continuing to J street. In the mean time the mayor had ordered the citizens to arrest the armed squatters, and with three cheers they followed his lead. The two parties approached each other on J street, the squatters drawing up in time across Fourth street, facing J. The mayor and sheriff rode up, and ordered them to lay down their arms and yield themselves to arrest. While they were yet advancing, Maloney gave the order to fire, and said distinctly, 'Shoot the mayor.' His order was only too well obeyed, several guns being pointed, though some were elevated to be out of range. The firing was returned by those citizens who had secured arms; a general mêlée ensued, and the squatters fled from the field, which was now a field of blood. The mayor received no less than 4 wounds, in the cheek, the thigh, the hand, and through the body in the region of the liver. He recovered in a maimed condition, after a long illness, and a $2,238

almost hopelessly confused. As a consequence, the state was left without property or revenue, without

bill for five weeks' attendance and care at Dr Stillman's house in S. F., only to die of cholera, Nov. 27th following, in the same city. Harding Bigelow was born in Mass., of the well-known family of Bigelow, removed to N. Y. in early childhood, where he grew to manhood, and subsequently moved to the north-west territory. In the explosion of the steamboats *Moselle* and *Wilmington* he sustained severe losses and narrowly escaped with his life. During the Black Hawk war in Ill. he had also some hair-breadth escapes. He went to the West Indies, New Granada, Peru, Chili, and Central America, arriving in Cal. by the first steamer, and entered at once into the affairs of the country, being much interested in building up Sac., whose first mayor he was. It was greatly by his personal exertions that the town was saved during the flood of 1849–50. *Sac. Transcript,* April 26, 1850. His course with the squatters was marked with charity and moderation even to a fault. *S. F. Pacific News,* Nov. 29, 1850. He was interred with military honors at Sacramento. *Culver's Sac. City Directory,* 74, 79; *Shuck, Repres. Men,* 936; *Placer Times,* April 6, 1850; *Winans' Statement,* MS., 21.

Besides the mayor, the city assessor, J. M. Woodland, was wounded mortally, surviving but a few moments. Jesse Morgan was killed outright. On the squatter side, Maloney was killed, being shot by B. F. Washington, city recorder; Robinson was severely wounded, and another man killed, name not mentioned in any of the reports of the battle. J. H. Harper, of Mo., was severely wounded; Hale, of the firm of Crowell & Hale, was slightly wounded; and a little daughter of Rogers, of the firm of Burnett & Rogers, was slightly injured; total, 4 killed and 5 wounded. The bolt had fallen, and nothing more was to be seen than the ruins. Lieut-gov. McDougal now appeared upon the scene, 'his face very pale,' and ordered all the men with arms to assemble at Fowler's hotel, after which he immediately left for S. F. by steamer. But not many went to the rendezvous, where a few men had mounted an old iron ship's gun, on a wooden truck, which was loaded with scrap iron. That night about 60 volunteers were enrolled, under Capt. J. Sherwood, and remained at headquarters, near the corner of Front and L streets. A guard was set, of regular and special police, and men were challenged on the streets as if the city were under martial law. Robinson was carried to the prison ship on a bed. One Colfield, a squatter, was arrested and accused of killing Woodland. County Attorney McCune was brought into court, but his case postponed for the next day. Recorder Washington was placed by the city council at the head of the police, with authority to increase the force to 600; and the prest of the council, Demas Strong, assumed the duties of mayor. *Sac. Transcript,* Aug. 15, 1850. On the following day, after the burial of Woodland, Sheriff McKinney and a posse of about 20 men proceeded to Brighton, near Sutter's Fort, to attempt the arrest of a party of the squatters at a place which was kept by one Allen. The house was carefully approached after dark, the force being divided into three detachments, under Gen. Winn, a Mr Robinson, and the sheriff, who were to approach so as to surround the house. McKinney entered first, and went to the bar with his squad to call for drinks, in doing which he caught sight of 8 or 10 armed men, whom he commanded to lay down their arms. They replied by a volley from their guns and pistols, and were answered by shots from the sheriff's party. All was confusion. McKinney had run out of the house after the attack, and stood near the door, when Allen deliberately shot him, and he fell, expiring in a few moments. Briarly then fired, wounding the assassin, who however sent another shot among the sheriff's party, grazing Crowell's arm, who returned the shot. The further immediate results of the battle were the killing of two squatters, M. Kelly and George W. Henshaw, the wounding of Capt. Radford severely, and the injury of Capt. Hammersly by being thrown from his horse in the mêlée. Reënforcements being sent for

the means of paying the liabilities already contracted, of defraying current expenses, or of completing her

arrived during the night—10 men under Lundy and 12 under Tracy, who placed themselves under Gen. Winn. Four prisoners were taken, John Hughes, James R. Coffman, William B. Cornogg, and a man whose name is not given in any of the accounts of the squatter war. The arrival of the second party frightened to death Allen's wife, who was lying ill in the house. Allen escaped sorely wounded, and was traced next day to the river, where it was supposed he was drowned. *Sac. Transcript Extra*, Aug. 16, 1850. But he survived, suffering much, until, reaching a mining camp, he received assistance. *Moore's Pioneer Express*, MS., 8–10. Great grief and indignation were felt over the death of Sheriff McKinney, who was generally esteemed. He had been but a short time married, and his wife was distraught with grief. P. F. Ewer, coroner, assumed the duties of sheriff and paid a visit to Brighton, arresting a man named Hall, who was found in hiding near Allen's house. Threats of lynching were made against the prisoners, but better counsels prevailed, and it was determined to abide by the laws. The steamer *Senator* had returned from S. F. on the night of the 15th with the lieut-gov. and two companies of volunteers, namely, the California Guard, Capt. W. D. M. Howard, and Protection Engine Co., of the fire department, Capt. Shay, under arms, and together numbering 150 men. *Connor, Early Cal.*, MS., 6; *S. F. Picayune*, Aug. 16, 1850. There was no longer any need of their services, the squatter leaders being dead and wounded, and the citizens having resolved to leave their wrongs to be adjudicated by the courts.

At this juncture the newspapers entered into a discussion of the merits of the cause on both sides. The *Settlers' and Miners' Tribune*, of Oct. 30, 1850, in answering the *S. F. Picayune* of the 17th, says that it is wrong to condemn squatterism as the foundation of a party; for 'Sutterism in Upper California has too long despoiled her of her inheritance, and self-defence requires her interference.' Immigrants expected to find public land, and found it; but 'Sutterism has squatted all over it, and pretends to claim it under a Mexican grant which does not exist.' The legislature was charged with making laws expressly to protect Sutter, with or without a title to that part of the state. This charge was in reference to an act passed April 22, 1850, which forbade any forcible entry, the penalty being a fine and restitution, if the justice should so order. No proof of title was required. *Cal. Statutes*, 1850, 425. In Cal., and in the Cal. sense, said the *Tribune*, legislators and judges were anti-squatter—their decisions invariably anti-squatter; while if the squatters differed from them, and dared to appeal to the supreme court, they were said to have forfeited all support from the state govt, and even its protection. The unrecognized courts of Cal. were not the places where land titles should be determined. Squatterism was made a party issue because the natural and constitutional rights of the people were sought to be wrested from them by men of the stamp of the *Picayune* writers. When anti-squatterism ceases to prey, then the squatter party will cease to exist. Such were the utterances of the settlers after the Sac. affair, as well as before. But the *Picayune* had, soon after the riot, urged a calm and considerate review of the affair, and pleaded many things in extenuation of the course pursued by the squatters, advising 'the greatest moderation, mingled with firmness, which the administration of justice requires.' This, in point of fact, was the course into which the administration of law resolved itself. There was a good deal to be said on the side of the squatters, seriously as they had blundered. Robinson and the other prisoners, who were indicted by the grand jury for murder, were admitted to bail in Nov. A change of venue was obtained, and the 'cloud of indictments melted away like the last cloud-flake of our rainy season,' as says Prof. Josiah Royce, who has ably presented the subject of the Sac. squatter riot in the *Overland Monthly* for Sept. 1885, as an example how Mexican grants were dealt with by American settlers in Cal. Yet I think he would

organization and putting in operation her system of local government. Her securities, dismally depre-

have found better illustrations elsewhere; for, as he himself shows, there was good ground—in the belief of the squatters that the Alvarado grant did not extend to Sac., and in the fact that the Micheltorena grant was actually invalid—for the feeling of the squatters that Sutter was playing into the hands of a set of soulless speculators, who used the pretence of a grant for securing paper titles to the best portions of Cal. Accounts of the squatter troubles of 1850 are contained in the newspapers of the day, particularly in the *Sac. Transcript.* See also the *S. F. Cal. Courier*, *S. F. Pac. News*, *S. F. Alta*, *S. F. Picayune*, and *S. F. Herald*, extending over a long period. There is an account of the riot in *Sac. Illustrated*, 13–18; *Upham, Notes*, 333–51; in *Culver's Sac. Directory*, 78–9; in *Thomas' Directory Sac.*, 1871, 66–75; in *Hist. Sac. Co.*, 50–6; and references in *Tuthill's Cal.*, 336–7; *Sac. Bee*, Nov. 1, 1871; *Bauer's Statement*, MS., 9; and *Winans' Statement*, MS., 20–1. The theory has been advanced that to the riot of 1850 was due the great depression in business, and the numerous failures which followed. I think the conclusion erroneous. The population suddenly declined, but certainly not because people were frightened away by an incident of this kind. It was the uncertainty of land titles in the vicinity which the squatter movement exposed. Had the squatters prevailed, the population would have remained, and the loss to a few individual lot-owners would have been far less than the whole community sustained by their defeat. *S. F. Bulletin*, Nov. 2, 1877. I do not wish to be understood as saying that the squatters were right. As the evidence afterward proved, they were in the wrong. But it would have been better for Sac. could they have maintained their position; for how could a city hope to prosper surrounded by a country to which no one could for a long time obtain a clear title? The courts finally decided that all the sales made by Burnett as Sutter's agent were valid. Could the founders of Sac. have foreseen the contention to arise out of the location of their city, the trouble might have been avoided.

Squatters also gave trouble in S. F. in Jan. 1851, *S. F. Alta*, Feb. 3, 1851, which continued for more than a year. Nathaniel Page commenced the erection of a building on a lot belonging to the Leidesdorff estate, and sold to Captain Folsom. A collision occurred, in which Folsom shot at Page, whose watch arrested the ball, and saved his life. Page's lumber was thrown into the bay. In April 1853 Sheriff W. W. Twist and posse of Santa Bárbara were about to take possession of a cannon to use in ejecting a squatter named John Powers from the rancho Arroyo Burro, belonging to Hill and Den. A Californian, Alejo Servis, stabbed the sheriff, who turned and shot him dead. Firing then became general between the sheriff's party and the squatter party, and J. A. Vidall, a squatter, was killed. Hill and Den were placed in possession. *S. F. Alta*, May 7 and June 8, 1853. During this year there appeared to be something like an organized revival of squatterism. All about S. F., at the presidio and the mission, lots were settled upon without title. One of the public squares was treated as public domain. The Odd Fellows' cemetery was seized, which two years before had been conveyed by deed to the society by Sam Brannan. On the 20th of July a squatter named McCarty, who had taken possession of a vacant lot on the corner of Second and Mission streets, belonging to Robert Price, resisted, and shot the sheriff who was attempting to eject him; McCarty was also shot, both seriously; but Price was placed in possession.

It was believed that an organization of wealthy men were at the bottom of the squatterism of 1853, who furnished means for carrying on the seizures of lots with a view to obtaining the lion's share. Attempts were made to squat on the Peralta claim in Alameda the same year. In June 1854 a pitched battle was fought between a party of squatters on Folsom's property on First street, S. F., and a party of 15 placed to defend it. George D. Smith was

ciated, afforded slight compensation to those who were forced to receive them for services rendered. The effect on the cities and particularly on San Francisco was deplorable. Heir to lands worth millions of dollars, she was practically bankrupt. Sales of lots were arrested by the doubt thrown upon her title; or if any one took them, it was experimentally, at prices much below their value. A commissioner appointed to inquire into the extent and value of city property was, after a lengthy examination, unable to determine if there were any lands rightly belonging to the city, unless by preëmption, which right congress had not yet extended to them. Had congress accorded the cities a relinquishment of the interests of the United States in the lands within their municipal jurisdictions, it would greatly have simplified matters for them, and infinitely enhanced their resources. Another point of interest with the people was whether or not speculators should be permitted to buy up the public lands to which no shadow of a Mexican grant attached; and this, it was insisted, was legitimate ground for a

killed in this fight, and several persons wounded. After this affair the property holders in S. F. organized, and 48 policemen were added to the force. Houses were fortified and besieged. In one house on Green street a woman holding a child in her arms was shot and killed. The occasion of this outbreak was that the title of the city of S. F. was undergoing examination by commissioners; all kinds of rumors were afloat, and opportunities supposed to be afforded of securing lots. For several years more these troubles were recurring. The *Sac. Union* of June 29, 1855, suggested as a remedy to 'fee no lawyers'—an excellent suggestion. Felice Argenti, sent by Brown Bros, bankers of Colon, to Cal. as their agent, in 1849 amassed a fortune of several millions, but his suits with S. F. for certain lands cost him the larger share of his wealth. *Torres, Perip.*, 101–2. In 1856 was the famous case of the Green claim, when the vigilants arrested the holder of important documents concerning the city's title to the mission lands, on a trumped-up charge, in order to get possession of those documents, which Green himself had obtained by trickery from Tiburcio Vasquez, and which he sold to his captors for $12,500, though he brought suit afterward for $50,000 damages, of which he obtained $150. *Green's (A. A.) Life and Adv.*, MS., 1–86. This manuscript of Green's, of about 90 pp., is a most interesting contribution to the literature of land titles, containing the history in detail of the Santillan claim. *S. F. Alta*, June 7 and 21, 1878. In 1858 a party of squatters in Sonoma county attacked and drove from his land one of the owners of the Peñas rancho, compelling him to sign a release of his property to them. They almost captured the town of Healdsburg in an attempt to take Dr Fitch, another owner; and attacked the government surveyor Mandeville, destroying his papers. But such acts as these were performed by a few ruffians taking advantage of the squatter sentiment. *S. F. Bulletin*, Apr. 13, 1858.

party in politics—ground which California senators found themselves unable to ignore.[26]

The legislature adjourned April 22d. Congress had again disappointed the people.[27] In January, the California delegation had taken its departure for Washington to urge the claims of the state to be immediately admitted. It was high time. In 1849 the citizens of San Francisco had banished the worst of its criminals. In 1850 a straw authority attempted to hold lawlessness in check, but it had attained such strength that years were afterward required to get it under control. In spite of these drawbacks a great deal had been accomplished. It was no small achievement for the American portion of the population in so short a time to have so regulated mining, the chief industry of the country, that a heterogeneous multitude from the four corners of the earth could work together in peace; and to so administer justice in the occupation of the mines that individuals and companies were willing to be governed by laws formed in mining camps. The general perfection of the rules adopted was such that neither congress nor the state legislature ever attempted to improve upon their essential features. Thus good and evil grew side by side, while men longingly waited to catch the first whisper of the words "admitted to the union."

The question of the admission of California had become the chief topic in congress; and whenever the word 'California' was pronounced close after came the word 'slavery.' All through 1849 the subject of providing a government for California was discussed, and at every point it was met by objections originating in a fear of disturbing the balance of power in

[26] *Settlers' and Miners' Tribune*, Oct. 30, 1850; *Sac. Transcript*, Nov. 29, 1850.

[27] Speaker Bigler in his valedictory address alluded to that 'most embarrassing question of domestic policy,' which to his regret had kept Cal. out of the union. *S. F. Pac. News*, Apr. 27, 1850; *S. F. Herald*, Oct. 22, 1850.

the senate to the prejudice of slavery. The growth of the nation had reached that critical point when its affairs could no longer be safely referred to a sectional interpretation of the constitution; or the constitution being faulty, when the nation could no longer strictly abide by it; or when, conceding it to be a perfect instrument, one portion of the people refused to abide by it at the will of the other portion. The concessions made to the slave states when the union was formed, on account of their weakness in population, and when the growth of slavery by importation and natural increase was not clearly foreseen, had placed the sceptre of political power in the hands of the south, where for thirty-eight years out of fifty it had remained. The profits derived from cotton-planting with slave labor had enabled the men of the south to abjure labor for themselves, to employ their leisure in congenial pursuits at home, in foreign education and travel, and in politics. Their senators in congress were men who assumed an air of nobility on account of their exemption from the cares of trade, whose habits on their plantations gave them a dictatorial manner, even in the society of their peers, that their generous culture could not always sufficiently soften; and it was yearly more openly asserted that the ruling class in the United States was the planter class. Cotton was king; but a cotton manufacturer and a cotton-cloth seller were contemptible in the eyes of this pampered, self-constituted aristocracy.

There was a middle class in the south, which aped all that was offensive in the manners of the cultivated class, and were loud in their praises of chivalry, and their scorn of northern 'mudsills.' Even the 'poor white trash,' which constituted a class despised even by the slaves, regarded the institution as something sacred, and a 'southern gentleman' as a being far above anything in the free states. So strong are the teachings of custom and prejudice!

Such a condition of society was not contemplated by

the framers of the constitution. It was opposed to the nature of the republican government, and soon or late must introduce discord. In 1846 that discord was already strongly apparent; and the southern press did not conceal the fact that the south regarded itself as destined to have the mastery on the American continent. In congress, certainly, these boasts were sparingly alluded to; but they had their influence. Congressmen and senators talked about the rights of the two sections under the constitution. The acquisition of New Mexico and California, which the south had plotted and fought for,[28] had brought with it new issues and a determined struggle. It was a battle between intellectual giants for a cherished idea.

Regarded from a sentimental stand-point, the sudden collapse of great expectations appeals to our sympathy, although the means resorted to in support of them may not command our confidence. The gaunt Carolinian, he of the burning eyes, pointing his fateful finger toward his adversary, and giving utterance to his fire-brand resolutions, is a striking spectacle. The polished and fiery Butler, pouring forth his reproaches against the faithless north, holds his audiences enchained. Berrien of Georgia, logical and impressive, commands breathless attention while he, too, arraigns the north for injustice. Foote of Mississippi, correct and impressive, never hasty, sometimes half insolent, but always attractive, sets forth the wrongs of the south. Toombs of Georgia, armed at every point with accusations against the north, and demands for restitution of rights that he declares have been wrested from the south, impresses us with his eloquence, and

[28] The *Charleston Patriot* said, referring to the Mexican war: 'We trust that our southern representatives will remember that this is a southern war.' And thus the *Charleston Courier*: 'Every battle fought in Mexico, and every dollar spent there, but insures the acquisition of territory which must widen the field of southern enterprise in the future. And the final result will be to readjust the whole balance of power in the confederacy so as to give us control over the operations of the government in all time to come. If the south be but true to themselves, the day of our depression and suffering is gone forever.' *Cong. Globe*, 1846–7, 364; *Id.*, 1849–50, 256. Others called it 'a southern war fought by southern men.'

rouses us with the lash of his denunciation. These and more were the men the south sent to represent her in the national legislature; and against them was opposed the genius of Webster, Clay, Seward, Douglas, Benton, and the cumulative talent of the nation. To the fire of the south, the great Massachusetts senator opposed a collected front. "Times have changed," he said, "since the constitution was formed."

The south complained that she had always been making concessions, and instanced the ordinance of 1787, when it was agreed by Virginia that the northwest territory surrendered by her should be free territory; to which the north replied that God and nature had made that free territory, and slavery could not exist there, had there been no ordinance against it.[29] The Missouri compromise of 1820 was called another concession by the south; but the north contended that it was not an unfair division of the Louisiana purchase, and that the admission of Missouri as a slave state was allowed to balance the admission of Maine as a free state at the same time, and that one was as much a concession as the other.

The Wilmot proviso, the south alleged, was aggressive. It made the condition of furnishing money to buy Mexican territory this: that no part of the territory so purchased should be open to slavery. The north replied that the Mexican government had abolished slavery in all its territory, and the United States would not reëstablish it. The south declared that wherever the constitution of the United States went, slavery went with it. And on this ground, untenable as it appears to me,[30] the ship of state seemed likely

[29] For a history of the ordinance of 1787, see *Cong. Globe*, 1849–50, *App.*, pt i. 599.

[30] Section 9 of article I. of the constitution says: 'The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding $10 for each person.' That is, congress would not interfere with slavery in the then slave states for that period of time. Section 2 of article IV. declares that 'no person held to service of labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be dis-

to be stranded. The Wilmot proviso was not adopted, and the money was paid. In so much the south triumphed. But it was a barren victory; because the moment that a government was demanded for the new territory, the conflict began concerning the nature of it, and the principles of the Wilmot proviso were revived, to be fought over for a period of nearly two years, during which time California had passed through the events already recorded in this and previous chapters.

The news that California had formed for herself a free state government was ill received by southern men, who called it a northern measure, and felt themselves wronged. It was, they said, a whig manœuvre, and due to the administration of Taylor, although in fact Riley,[31] on whom the opprobrium was heaped, was intrusted with the management of California affairs by the previous administration; while King, the owner of several hundred slaves, was the agent of the whig administration in forwarding the state movement. It was true that King called himself a whig, but it was true also that Taylor was a native of Louisiana. Nothing was said of slavery in King's instructions; he was merely to assist California to a government, provided it could be done without danger to the authority of the United States.

charged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.' A simple construction of this article does not make it the duty of a free state to pass laws in the interest of slavery, or to compel its public officers to arrest and return a slave. If a horse should be found in possession of a citizen of a free state which belonged in a slave state, it would have to be delivered up. So would a slave, and no more; but the south's most grievous complaint against the north was that it was not a good slave-catcher; and that a few northern persons were organized to make matters still worse for the barbarism there. Concerning territorial and other property, the constitution said: 'The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.' But the south denied the power of congress to keep slavery out of the territories; and on that ground the battle was fought.

[31] *Cong. Globe*, 1849–50, *App.*, pt i. pp. 102–4. The prest denied authorizing any govt in Cal., except to suggest to the people to form a constitution to be presented to congress. See message of Jan. 21, 1850, in *Cong. Globe*, 1849–50, 195; *Amer. Quar. Reg.*, iii. 603–4; *Frost, Hist. Cal.*, 427–30; *H. Ex. Doc.*, 31, i. no. 5, 161.

It was an affront to the pride of the south that the outside world did not look with approval upon her pet institution, and it was a wound to the moral sensibility of the north that the whole nation shared in the reproach. The rebuke received from both northern and southern men, and foreigners, in the exclusion of slavery from California, was extremely irritating to the former. To admit California at all under the circumstances would be an humiliation. But the great point was the admission of two senators from a free state to destroy the balance of power. Once gone, it might never be restored.[32] On the other hand, the north felt the perilous position it would be in should the south in its recently revealed temper ever again have control of the national councils.

Early in 1850 Mr Clay attempted a compromise by resolutions: that California, with suitable limits, be admitted; that the Wilmot proviso should not be insisted on for the territories; that the boundary line of Texas should be established so as to exclude any portion of New Mexico; that the United States should pay that part of the debt of Texas contracted before its annexation, amounting to $10,000,000, on condition that Texas should solemnly renounce any claim to any part of New Mexico; that slavery should not be abolished in the District of Columbia without the consent of the state of Maryland, of the people of the district, and just compensation to the owners of slave property; that the export and import of slaves from and into the district, as merchandise, should be abolished; that provision should be made by law for the restitution of fugitive slaves in any state or territory of the union; and that the trade in slaves

[32] Calhoun said that to 'save the union the north had only to do justice by conceding to the south an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled; to cease the agitation of the slave question, and to provide for the insertion of a provision in the constitution, by an amendment, which will restore to the south in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government.' *Cong. Globe*, 1849–50, *App.*, pt i. 370–1.

between slave-holding states should be regulated by the laws of those states. The debates upon these resolutions continued for many months;[33] and by the last of July they had been so altered and amended that nothing remained of their original features. Most of their several provisions were, however, incorporated in bills which were passed, and which constituted in effect a compromise.

In the midst of this conflict the California delegation arrived and added to the excitement, their presence being regarded by some of both sections, but especially by the south, as unwarranted, even impertinent. Calhoun, who was dying, sent for Senator Gwin, with whom he held a conference, "solemn and impressive." They differed upon the policy to be pursued by congress in the admission of California, Calhoun insisting that it would destroy the equilibrium in the senate, which was the only safeguard of the south against the numerical superiority of the north, and prophesying civil war. He held that in the event of the north conquering the south, "this government, although republican in name, would be the most despotic of any in the civilized world." So much bitterness poisoned this great and generous mind![34]

[33] Davis of Miss. repudiated the idea of concession from the north. 'Where is the concession to the south? Is it in the admission, as a state, of California, from which we have been excluded by congressional agitation? Is it in the announcement that slavery does not and is not to exist in the remaining territories of New Mexico and California? Is it in denying the title of Texas to one half of her territory?' He held that gold washing and mining was particularly adapted to slave labor, as was agriculture that depended on irrigation. *Cong. Globe*, 1849–50, *App.*, pt i. 149–57.

[34] 'Mr Calhoun,' says Gwin, 'never appeared in the senate but once after this interview. It was on the occasion of the delivery of Mr Webster's great speech of the 7th of March, 1850. The senate-chamber as well as the galleries were crowded, and it was known only to a few that Mr Calhoun was in his seat; and when Mr Webster, in alluding to him, regretted the cause of his vacant seat in the senate, Mr Calhoun rose up in the presence of that immense audience, as a man rising from the grave, for he looked like a corpse, and said, in a hollow, deep-toned voice, "I am here!" which electrified the whole audience. Mr Webster turned to him and said: "Thank God that the senator is able again to resume his seat in the senate, and I pray to God he may long continue to adorn this chamber by his presence, and aid it by his counsels."' The same as reported in the *Cong. Globe*, *App.*, i. 271, is less dramatic. *Gwin's Memoirs*, MS., 32–5; *Crane's Past, Present, etc.*, 10; *Cong. Speeches*, no. 3, 4, 8, 9, 19, 20; *Placer Times*, Apr. 22, May 8, 1850; *Niles' Reg.*, lxx. index p. viii.; *S. F. Bulletin*, Sept. 9, 1862, and 1864; *Benton's Thirty Years*, ii. 769–

Gwin, finding himself on the unpopular side with his party, "retired to New York in order not to be considered a partisan," but was recalled by Mr Clay, who imparted to him his design of offering his compromise resolutions, combining all the questions on the subject of slavery then agitating the country, in order to overcome the united opposition of the south to the admission of California.[35] Again Gwin retired to New York, and again was he recalled, this time by the president, who desired that the California delegation should make a joint communication to congress upon the necessity of admitting California, aside from other considerations, and disconnected with the compromise measures. This request was complied with early in March,[36] and a concise history of California, since the treaty of 1848, laid before both houses. The effect of the memorial was apparently to bring General Riley into unpleasant prominence, and the president under the displeasure of the south.[37]

Thus the struggle was maintained until August 13th, when the bill for the admission of California passed the senate by a vote of 34 to 18; the vote standing, whigs 19, democrats 32, free-soilers two.[38] On the 14th

73; *Polynesian*, vii. 34; Speech of J. M. Read, in Philadelphia, March 13, 1850; Letter of Gilbert, in *S. F. Alta*, June 25, 1850; *N. Am. Review*, lxx. 221–51; *Am. Quart. Reg.*, iv. 16–54, 58–64; *U. S. H. Jour.*, 1676, 1683, 1793, 1800; 31st cong., 1st sess.; *Santa Cruz S. W. Times*, 6 to 9, 1871; *Life of Stockton, App.*, 69–79; *Sherman, Mem.*, i. 81–3; *Gwin, Memoirs*, MS., 32.

[35] It is stated in *Gwin's Memoirs* that political differences had divided Clay and Benton for years, though they were connected by marriage. The question of the admission of Cal. brought them together in cordial relations; but Clay's compromise resolutions again sundered them more widely than before, in which estrangement they ended their lives. Few men are too great to quarrel, few minds too magnanimous not to stoop to beastly bickerings.

[36] This memorial is printed along with Ross Browne's *Constit. Debates, App.*, xiv.–xxiii.; see also *Placer Times*, Apr. 26, 1850; *U. S. Misc. Doc.*, 44, i. 1–18, 34–5, 31st cong., 1st sess.

[37] Gwin dwells upon the obstinacy of Prest Taylor, and remarks that he has always believed that had Taylor lived a civil war would have resulted at that time. Taylor, he says, was strongly opposed to Clay's compromise measures. Thurston of Oregon was the only man in congress from the Pacific coast, and he defended Riley's action, saying that the govt in Cal. would have been formed without his proclamation. *Cong. Globe*, 1849–50, *App.*, i. 345–9.

[38] It was in the last days of this memorable conflict that Seward said he should have 'voted for the admission of Cal., even if she had come as a slave state,' under the circumstances of her justifiable and necessary establish-

Hunter of Virginia presented a protest against the admission, and asked that it might be spread upon the journals of the senate; but this was refused upon parliamentary grounds. This protest is a significant part of the history of the California bill. It declares that the act of admission gave the sanction of law, and thus imparted validity to the unauthorized action of a portion of the inhabitants of California, by which an odious discrimination was made against the property of the slave-holding states, which were thus deprived of that position of equality which the constitution so manifestly designed. It defeated the rights of the slave-holding states to a common and equal enjoyment of the territory of the union. To vote for such a bill was to agree to a principle which would forever exclude the slave states from all enjoyment of the common territory of the union, and thereby rob them of their rights of equality. Every effort to obtain a fair division of California between the slave and free states had failed. And lastly, the bill was contrary to precedent, obvious policy, and the spirit and intention of the constitution of the United States, and therefore dangerous to liberty and equality.[39]

Such was the fateful character imputed to the instrument draughted at Monterey by men of all sections, who intended primarily to escape the strife and passion of the slavery question by excluding slavery from the state; and who secondly had some fastidious objections to working in the mines side by side with the 'niggers' of chivalry masters. The truth will have to be acknowledged that the admission of California as a free state led to the war of the rebellion. The spirit of the south protested angrily against it; the more so that it was a land of gold and sunshine. They

ment of a constitution, 'and the inevitable dismemberment of the empire consequent upon her rejection.'

[39] This protest was signed by Mason and Hunter of Va; Butler and Barnwell of S. C.; Soulé of La; Turney of Tenn.; Jeff. Davis of Miss.; D. R. Atchison of Mo.; Morton and Yulee of Fla. *McCluskey, Pol. Text Book*, 605–6; *Benton, Thirty Years*, ii. 769–71; *Cong. Globe*, 1849–50, 1578; *S. F. Bulletin*, Sept. 9, 1862.

read in it the doom of slavery and loss of power. For their disappointment every generous heart must feel a sympathetic pang. We experience the same pain when we see the surgeon maiming a brother to save his life—protesting and consenting in the same thought.

On the 7th of September the house of representatives passed the California bill by a vote of 150 to 56. All the votes against it were of southern men. The act was approved September 9th,[40] and the California delegation presented themselves on the 11th. Objections were made by southern senators to their being sworn in, Davis of Mississippi leading the opposition, supported by Butler of South Carolina, Mason of Virginia, and Berrien of Georgia. It was the last kick at their dead lion, and ineffectual. Congress had been in session for nine months, and now made haste to despatch neglected business. Gwin, who had drawn the long term, busied himself during the time before adjournment in draughting bills; no less than eighteen[41]

[40] *U. S. Pub. Laws*, 452–3, 31st cong., 1st sess.; *Capron*, 51; *Acts and Resol'ns*, 31st cong., 1st sess., 51–2; *Amer. Quart. Reg.*, ii. 295–6.

[41] Some of these bills were before congress for a long time. They are numbered in *Gwin's Memoirs* as follows: I. A bill to provide for the appointment of a recorder of land titles in Cal. II. To provide for the appointment of sur.-gen. in Cal., and for the survey of the public lands. III. To provide for the erection of land-offices in Cal. IV. To provide for the ascertainment of private land titles, and for the adjudication and settlement of the same. V. To grant donations of land to settlers in Cal., before the cession of that country to the U. S., and to allow preëmption rights to subsequent and all future settlers. VI. To regulate the working of the placers and gold mines, and to preserve order by granting temporary permits to actual operators to work the same in limited quantities. VII. For extending the laws and judicial system of the U. S. to Cal. VIII. To refund to the state of Cal. the amount of moneys collected for duties on imported goods at S. F. and the other ports, before the custom-house laws of the U. S. were extended to Cal. IX. To grant to the state of Cal. certain quantities of public land for the purposes of education. X. To grant 6 townships of land for a university. XI. To grant 4 sections of land to aid in constructing public buildings at the seat of govt. XII. To grant two townships of land for establishing an asylum for the deaf and dumb, and for the blind and insane. XIII. To relinquish to the city of S. F. all the grounds reserved for military or other purposes in said city which are no longer wanted for such purposes. XIV. To grant to the state of Cal. 12 salt springs, with a section of land around each. XV. To grant to the city of Monterey the old government house in that city, and the ground upon which it stands. XVI. To provide for opening a road across the Sierra Nevada, on the line of the Rio de los Americanos and Carson River, and the pass at their heads, as the commencement of opening a common travelling road between the present western settlements of the U. S. and the

were presented by Frémont, who thought three weeks of senatorial life hardly long enough to win a reëlection, and was, by consent of his colleague, put forward on the subject of Mexican and Spanish land grants, and came to blows with Foote of Mississippi on that issue.

The condition of California during the period occupied by congressional discussion, politically, was one of indifference. Some effort there was by would-be party leaders to divide the population into whigs and democrats; and so far as the districts containing principal towns were concerned, they were partially successful, San Francisco being governed by democrats and independents, and Sacramento by whigs.[42] The second general election under the state constitution took place on the 7th of October, when senators and assemblymen, with a number of state officers, were elected.[43] Although little interest was manifested by the mining population in the results of election, the canvass showed the great numerical superiority of the northern counties, which were able to exercise a powerful influence in determining the future political action of the state,[44] and to carry their measures in the legislature. The miners were, in truth, much more interested in legislation concerning mining, both

state of Cal. XVII. To grant the state of Cal. 1,600,000 acres of land for purposes of internal improvement, in addition to the 500,000 acres granted for such purposes to each new state by a general law. XVIII. To preserve peace among the Indian tribes in Cal. by providing for the extinction of their territorial claims in the gold-mining districts, and a resolution establishing numerous post-routes in Cal.

[42] *Ashley, Doc.*, 533–79; *Peckham, Biog.*, in *San José Pioneer*, July 28, 1877; *S. F. Picayune*, Sept. 4, 1850; *Placer Times*, March 30, 1850; *Sac. Transcript*, Aug. 30, Sept. 30, Oct. 14, and Nov. 29, 1850; *S. F. Alta*, May 20 and Dec. 17, 1868.

[43] E. J. C. Kewen having resigned, James A. McDougall was chosen to fill the vacancy in the office of attorney-general. John G. Marvin was made supt of public instruction. E. H. Sharp was chosen clerk of the sup. ct. Dist attys were elected in the 9 districts.

[44] *Moore, Pion. Exper.*, MS., 10; *Burnett, Recoll.*, MS., ii. 266–7. The votes polled in Sac. co. were 3,000; El Dorado, 2,900; Yuba, 4,163; Sutter, 1,389; Yolo, 107; Butte, 900; Colusa, 20; Shasta, 150; aggregating 12,629. The whole vote of the San Joaquin country was not more than 6,850, and of S. F. 3,450. *Sac. Transcript*, Nov. 29, 1850

state and national, than in party questions, and more likely to make this a party issue at that time than slavery or anti-slavery, much as they had done to bring on the agitation. There were men in the mines whose journey to California, whose digging and delving, whose gambling and whiskey-drinking, whose prospecting, Indian-shooting, and clubbing of foreigners, were all as lenses that enabled them to see how much of self and how little of public weal occupied the ponderous brains of the eight-dollars-a-day law-makers at Washington!

The defeat of the compromise bill, and consequent probability that no definite action would be taken by congress for the admission of California for some time to come, was engendering angry feelings in the waiting state, where rebellious utterances were beginning to be heard. Judge Thomas, of the district court of Sacramento, openly reproached the government for neglect, and Bear-Flag sentiments were voiced in the streets. Some there were who, in the event of discouraging news by the next two or three steamers, were in favor of a separation from the United States, if separation it could be called where there was no union, and setting up an independent government. Anarchy and confusion would have resulted from such a movement. The public journals generally discountenanced the expression of bitter feeling, but admitted that California would not submit to be dismembered, and acknowledged the critical nature of the situation.[45] But the heavily burdened people were to be spared the last straw. Intelligence of the admission of California reached San Francisco on the morning of October 18th, when the mail steamer *Oregon* entered the harbor flying all her bunting,[46] and signalling the good

[45] *Id.*, Apr. 26 and Aug. 30, 1850; *Placer Times*, May 8, 1850; *S. F. Picayune*, Sept. 14, 1850; *Crosby, Early Events*, MS., 52–3.

[46] A flag had been made in New York and forwarded by the *Cherokee* to be given to Capt. Patterson of the *Oregon* on this side, and another was made on board the *Oregon*, on which was inscribed, 'California is a state.' The pioneer

news. The revulsion of feeling was instant and extreme. Business was suspended; courts were adjourned; and the whole population, frenzied with delight, congregated on Portsmouth square to congratulate each other. Newspapers containing the intelligence from Washington sold for five dollars each. The shipping in the harbor was gayly dressed in flags; guns boomed from the height; bonfires blazed at night; processions were formed; bands played; and the people in every way expressed their joy. Mounting his box behind six fiery mustangs lashed to highest speed, the driver of Crandall's stage cried the glad tidings all the way to San José, "California is admitted!" while a ringing cheer was returned by the people as the mail flew by. On the 29th there was a formal celebration of the event, when a new star was added to the flag which floated from the mast in the centre of the plaza, and every species of amusement and parade was made to attest the satisfaction of the citizens of the first American state on the Pacific coast.[47] As it is good to be young once in our lives,

society is now in possession of these flags, presented by capts Phelps and Cox. *S. F. Bulletin*, Feb. 5, 1869; *Cal. Courier*, Oct. 19, 1850; *S. F. Alta*, Feb. 5, 1869; *San José Pioneer*, Sept. 15, 1877.

[47] The public procession was, considering the youth of the city, quite a remarkable parade. It was divided into 7 parts, in charge of 4 marshals each, wearing crimson scarfs with gold trimmings. The several societies and associations had their marshals in variously colored scarfs, all mounted on caparisoned horses. After the grand marshal were 4 buglers, then 3 marshals, followed by mounted native Californians bearing a banner with 31 stars on a blue satin ground, with the inscription in gold letters, 'California. E Pluribus Unum.' Next came the California pioneers with a banner on which was represented a New Englander in the act of stepping ashore and facing a native Californian with lasso and serape. In the centre, the state seal and the inscription, 'Far West, Eureka, 1846. California Pioneers, organized August 1850.' Then came the army officers and soldiers, the navy officers and marines, the veterans of the Mexican war, and the consuls and representatives of foreign governments. Behind these was a company of Chinese in rich native costumes under their own marshal, carrying a blue silk banner inscribed, 'The China Boys.' In the triumphal car which followed were 30 boys in black trousers and white shirts, representing the 30 states, and each supporting the national breast-plate with the name of his state inscribed thereon. In the centre of the group was a young girl robed in white, with gold and silver gauze floating about her, and supporting a breast-plate upon which was inscribed, 'California, The Union, it must and shall be preserved.' After these came the municipal officers and fire department, followed by a company of watermen with a boat on wheels; and finally the several secret and benevolent societies. At the plaza the ceremonies consisted of prayer,

so it is pleasant to remember occasions when our local world seemed revolving in an intoxicating atmosphere of self-praise and mutual admiration. For the encouragement of these agreeable sentiments, admission day continues to be celebrated in California, and is by statute a legal holiday.

The Spanish-sired young state, like a Sabine maiden, had been wrested from her kindred, and forcibly wedded with a greater people. She had protested[48] in vain, and consented with reluctance; yet she had con-

music, an oration by Judge Bennett, and an original ode by Mrs Wills of Louisiana. See *S. F. Picayune*, Oct. 19, 30, and 31, 1850; *S. F. Pac. News*, Oct. 21, 28, 29, and 30, 1850; *S. F. Herald*, Oct. 19, 25, 28, and 31, 1850; *S. F. Courier*, Oct. 31, 1850; *S. F. Bulletin*, Sept. 8, 1875; *Sonoma Democrat*, Sept. 14, 1878; *Napa Register*, Sept. 21, 1878; *S. F. Post*, Sept. 9, 1878; *Petaluma Argus*, Oct. 5, 1877; *S. F. Call*, Sept. 9 and 10, 1870; *Sac. Union*, Sept. 13, 1871; *Pac. Rural Press*, Sept. 20, 1879; *Oakland Transcript*, Sept. 9, 1877; *Visalia Delta*, Sept. 11, 1875. Jacks, of S. F., manufactured a medal which was designed to commemorate the admission of the state, and to compliment her friend, the statesman of Ky. It was 2½ inches in diameter, weighing over 2 ounces. On the upper edge was engraved, 'California, admitted Sept. 9, 1850;' on the lower edge, 'City of San Francisco, October 29, 1850.' Within the circle was inscribed, 'Presented to Henry Clay by Jacks and brothers.' On the reverse was a raised rim like a wreath, composed of small gold specimens from Bear, Yuba, and Feather rivers, and from the Los Angeles Mining Co.'s veins. Inside the wreath were 30 small stars, with a large star in the centre, on which stood a piece of white gold quartz of the size and shape of an acorn. *S. F. Cal. Courier*, Jan. 25, 1851; *Sac. Transcript*, Feb. 1, 1851.

[48] In Feb. 1850, the people of Los Angeles, alarmed at the action of the legislature in taxing land, held a mass meeting to propose some method of escape from the impending evil. They wished not to have to pay the 'enormous expense' of a state govt; and complained that the legislature favored the more thickly populated north, disregarding the interests of the thinly populated south. This was unavoidable, as the public domain could not be taxed, and the lands covered by Spanish grants only could. The Los Angeles people said they feared ruin; and proposed to petition congress to form a territory to be called Central California, embracing the country from San Luis Obispo to San Diego. An address to congress was finally adopted, declaring that they had not had time to become acquainted with American institutions when they joined in forming a state constitution. They believed a territorial govt the most suitable. Ruinous taxes would have to be levied to support the state. They could not believe congress would admit Cal. as a state. It was too large, and the interest too diverse. They would have a separation and a territorial govt. It was signed by Manuel Requena, prest, Enrique Dalton and Agustin Olvera, secs. *Val., Doc.*, MS., xiii. 39; *Hayes' Scraps, Angeles*, i. 5, 12, 29–30; *Sta Bárbara Arch.*, MS., viii. 229–30, 233; *Costa Coll.*, 25–36. On the 9th of May, 1850, Foote produced in the U. S. senate a letter addressed to him by Agostin Harazthy, of San Diego, enclosing the address of the Los Angeles meeting. The Santa Bárbara and San Luis Obispo people were opposed to the memorial. Foote moved to have the documents printed, but objections being made, they were not received. *Cong. Globe*, 1849–50, 967.

sented, and now joined in the rejoicings.[49] Henceforth her destiny was one with the superior race. At the union the world looked on amazed.[50] The house she entered was divided against itself on her account. But under all these embarrassments she conducted herself with dignity, doing her best to preserve the honor and unity of the nation, and contributing of her treasures as required of her with a liberal hand. Thrice blessed California! Blessed in giving rather than in receiving; for of all the many mighty states of this American confederation, she has given more and received proportionately less than any one of them.

[49] An address 'a los Californias,' urging them to celebrate, was printed in Spanish, and circulated among the native population.

[50] The London *Times*, commenting on the admission celebration at S. F., said: 'Forgetting for a moment the decorative features of this exhibition, let the reader consider the extraordinary character of the facts it symbolized. Here was a community of some hundreds of thousands of souls collected from all quarters of the known world—Polynesians and Peruvians, Englishmen and Mexicans, Germans and New Englanders, Spaniards and Chinese—all organized under old Saxon institutions, and actually marching under the command of a mayor and alderman. Nor was this all, for the extemporized state had demanded and obtained its admission into the most powerful federation in the world, and was recognized as a part of the American union. A third of the time which has been consumed in erecting our house of parliament has here sufficed to create a state with a territory as large as Great Britain, a population difficult to number, and destinies which none can foresee.'

CHAPTER XIV.

UNFOLDING OF MINERAL WEALTH.

1848-1856.

Extent of Gold Region in 1848–9—American River the Centre—El Dorado County—South Fork and Southward—Middle Branch—Placer, Nevada, Yuba, Sierra, Plumas, Butte, and Shasta Counties—Trinity and Klamath—Gold Bluff Excitement, 1850–1—Del Norte, Humboldt, and Siskiyou—In the South—Amador, Calaveras, and Tuolumne—Table Mountain—Mariposa, Kern, San Bernardino—Los Angeles and San Diego—Along the Ocean.

During the year 1848 the gold region of California was explored and worked from Coloma to the Tuolumne in the south, and to Feather River in the north, with a slight inroad upon the country beyond and westward to the Trinity. It might have been expected that observations would have extended farther in the south, since this was in a measure the pathway from Sonora and southern California; but hostile Indians, and the distribution of gold in patches and less regular streaks in dry ground, tended to discourage the casual prospector. In the north, on the other hand, every bar could be counted upon to contain sufficient color for remuneration or guidance, with greater indication of finding in this quarter the supposed mother beds. The inflowing hordes of 1849[1] and subsequent years followed the paths so far opened, and passed onward to the poorer districts beyond the

[1] There must have been 10,000 or 12,000 people waiting in August for passage from S. F. to the mines, for small vessels were scarce. *Connor's Stat.*, MS., 2; *Crosby's Events in Cal.*, MS., 14. It was a repetition of the scenes en route given in the chapters for 1848.

Merced, and into the more attractive north-west, beyond the borders of Oregon and into Nevada.

The attention of new-comers continued throughout these early years to be directed toward the American River, as the chief centre and distributing point for mining movements. It was famed moreover for Marshall's discovery, and for a well-sustained production, not merely from placers along the crowded river-beds and intermediate uplands, but from the auriferous rock belt some thirty miles in breadth, which opened prospects for even greater operations. Coloma, the starting-point for the world-wide excitement, reaped benefit in becoming for a time a flourishing county seat,[2] the head in 1848 of numerous mining camps, especially along the line to Mormon Island,[3] which multiplied further in the following years, with Michigan flat and Salmon Falls as the most prominent.[4] Improved methods, and such enterprises as fluming the river, in the summer of 1849, increased the yield and sustained the mining interest for years.[5] On the divide southward a still greater development took place, along Webber Creek,[6] notably at the old

[2] Coloma claimed the first ditch, in this region, the El Dorado, six miles long, for bringing water to her placer field. Here was placed the first ferry on the South Fork, and the first bridge in the county, to attest the popularity of the spot. Later, fruit-raising arrested total decline.

[3] Dutch Bar, Kanaka, Red, Stony, Ledge, Missouri, Michigan, and other bars. Negro Hill, opposite Mormon Island, so named after subsequent negro miners of 1849, had in 1853 over 1,000 inhabitants. Uniontown, first called Marshall, was the centre for the miners on Granite and Shingle creeks, with Poague's bridge and the second saw-mill in the county.

[4] The former composed of Red Hill, Coyote Diggings, and Rich Gulch; the latter, beginning with Higgins' Point, was laid out as a town in 1850, and attained at one time a population of 3,000, sustained by tributary camps like Pinchemtight, Jayhawk, Green Springs, and McDowell Hill. In the summer of 1849 the Mormon Island Mining Assoc. undertook to turn the course of the South Fork, for the purpose of mining in its bed. Farther down another company was prepared for a similar task. Shares sold at $5,000. *Alta Cal.*, Aug. 2, 1849; *Placer Times*, Apr. 28, June 19, Sept. 22, 1847; Brooks, *Four Mo.*, 51, was there in June. In 1850 a 'green' hand took out $19,000 in three days, and three pounds of dust one afternoon. *Sac. Transcript*, Aug. 30, 1850. In Oct. 1850 there were 1,500 miners at Mormon Island making more money than ever. *Id.*, Oct. 14, 1850; Jan. 14, 1851; *Pac. News*, May 27, etc., 1850; *Crosby's Events*, MS., 16–17.

[5] 'The mines were never yielding better,' writes one to the *S. F. Bulletin*, Dec. 10, 1855, of the Coloma region.

[6] See previous chapter on mines of 1848. Iowaville and Dogtown, later Newtown, were among the camps of 1849. *Sac. Transcript*, Apr. 26, 1850, etc.

dry diggings, which after 1848 acquired the name of Hangtown, subsequently Placerville, the county seat.[7] Below sprang up Diamond Springs and Mud Springs, each in a rich district,[8] and along the northern line of the Cosumnes rose a series of less important bars, surpassed in wealth by several diggings on the divides between the forks.[9] The adjoining Sacramento county came in for a minor share in the gold sand of both the American and Cosumnes, which was collected at a number of camps;[10] and along the upper border ran a quartz belt half a dozen miles in width, which was slowly opening. Eastward El Dorado miners had penetrated as early as 1850 into Carson Valley.[11]

North of the American South Fork, Kelsey and Pilot Hill formed the rival centres of two important groups of mines,[12] and above them Greenwood and

[7] In 1854 it polled the third largest vote in the state. The diggings continued rich all around for years, and were several times rewashed. *Cal. Courier*, Oct. 18, 1850; *Pac. News*, id.; *Sac. Transcript*, Apr. 26, Oct. 14, 1850, etc.

[8] The latter renamed El Dorado. Diamond Springs competed in 1854 for the county seat. Cold Springs, above Placerville, attained at one time to 2,000 inhab. Shingle sustained itself.

[9] As Grizzly Flat and Indian Diggings of 1850, the latter, near Mendon, having for a time, in 1855, a population of 1,500. Among the bars were Big, Bucks, Pittsburgh, and Nashville. Quartz excitements were rife in this region at the close of 1850. *Pac. News*, Oct. 18, 1850; *Sac. Transcript*, Nov. 29, 1850; *Placerville Repub.*, June 27, 1876, gives a history of Grizzly Flat, and contributes in other numbers to different local reminiscences.

[10] Below the well-known Mormon Island lay Negro Bar with 700 people in 1851; Alabama Bar, Big Gulch, later Ashland; Prairie City, the centre for several interior diggings, with a tributary popul. in 1854 of 1,000, quartz-mills near by in 1855; Texas Hill; the rich Beam Bar of 1849. The branches and extensions of several ditches reached this region in 1851–5, as did others along the Cosumnes, including Knightsomer's ditch, possessing since 1851 the oldest water right on this river. In 1855 there were 4 ditches in the county, 29 miles in length, which by 1860 increased to 11 ditches of 135 miles. Along the lower Cosumnes lay Michigan and Cook bars of 1849, the former with over 1,000 inhab. at one time. Katesville and Sebastopol rose later. For other details, see *Hist. Sacramento Co.*, 214–29, and references of later notes.

[11] *Pac. News*, Aug. 21, Oct. 10, 1850; *Cal. Courier*, July 15, 1850. See *Hist. Nevada*, this series.

[12] The former at one time having extensive business tributaries in Louisville, Columbia, Irish Creek, American Flat, Fleatown, Elizaville, Yankee, Chicken, Stag, Barley, and Union flats. Spanish Flat was named after Spanish diggers of 1849, when Mosquito Valley also claimed prominence with two camps. At Pilot Hill, later Centreville, discovered late in 1849, 32 miners wintered; yield $8 to $60 daily per man; many small nuggets. *Id.*, Apr. 26, 1850; *S. F. Picayune*, Dec. 21, 1850; *Connor's Stat.*, MS., 2.

Georgetown, both dating from 1848,[13] as did Spanish Dry Diggings.[14] On the Middle Fork the developments made in 1848[15] led to a series of camps along its entire length, from Beal Bar to the headwaters.[16] It was esteemed the richest river for a regular yield in California, with more bars than any other, several of which were said to have produced from one to three millions each, and to have sustained themselves to some extent until recent times.[17] Meanwhile hydrau-

[13] The latter competing in 1854 for the county seat; a pretty spot; it continued to thrive though ravaged more than once by fire. Greenwood, first called Long Valley, then Green Valley, and Lewisville, also aspired to the county seat. Near by were Hoggs diggings, Oregon cañon, Hudson gulch, and Georgia slide or flat.

[14] Called in 1849 Dutchtown, where quartz was found. Near by was Jones Hill. Little, *Stat.*, MS., 8, says that from one to four ounces a day could readily be made here.

[15] Notably at Michigan Bluff, which experienced its real 'rush' in 1850, and developed best under hydraulic operations after 1852. Rector Bar, Sailor's Claim, and Horseshoe Bar were long active.

[16] Including Massachusetts Flat, Condemned Bar, Long, Doton, Horseshoe, Whiskey where the pioneer wire bridge opened in 1854, Rattlesnake which in 1853 took the lead, Lacey, Milkpunch, Deadman's, Granite, Manhattan, and other bars, up to the junction of South Fork. Then the bars of Oregon, Louisiana, New York, Murderer's, Wildcat, Willow, Hoosier, Green Mountain, Maine, Poverty, Spanish, Ford, at Otter Creek, Volcano, Sandy, Grey Eagle, Yankee Slide, Eureka, Boston, Horseshoe, Junction, Alabama—all on the south side of the middle fork. Along the north bank lay Vermont, Buckner, opposite Murderer's, Rocky Point, Mammoth, Texas, Quail, Brown, Kennebec, Buckeye, American, Sardine, Dutch, African, Drunkard's, Pleasant, and yet farther Greenhorn, Fisher, Menken Cut, Mud Cañon, Niggers' Bluff, Missouri Cañon, and Grizzly Cañon. In the summer of 1850 fully 1,500 men from Oregon were at work up the stream. Murderer's Bar, so named from the murder by Indians of five men in Ross' party, *Ross, Narr.*, MS., 13–19, was remarkable for a very rich crevice, but so deep and dangerous to work that it has not yet been thoroughly exploited. In 1853 one of the largest and best river bars in the county was constructed here, although fluming had been done in 1849. It was a lively place during the entire decade. *Placer Times*, Apr. 23, May 19, June 2, July 20, Oct. 13, 27, Nov. 24, Dec. 15, 22, 1849; March 9, May 3, 8, 24, 1850; *Sac. Transcript*, Apr. 26, May 29, Aug. 30, Sept. 30, Nov. 29, 1850; Jan. 14, Feb. 1, 14, May 15, 1851; *Woodward's Stat.*, MS., 5; *Fowler's Dict.*, MS., 14 et seq.; *S. F. Picayune*, Sept. 11, 1850; *Cal. Courier*, July 18, Aug. 5, 1850, with allusion to hill tunnel; *Pac. News*, Jan. 10, Oct. 25, 1850. A rise in the river Aug.–Sept. 1850 caused great loss and delay. *Placer Times and Trans.*, 1851–2, passim; *Barstow's Stat.*, MS., 6–7, 14; *Moore's Exper.*, MS., 6–7; *Alta Cal.*, Aug. 2, 1849, etc.

[17] Mud Cañon and American Bar are credited with $3,000,000 each; Horseshoe Bend, Volcano Bar, Greenhorn Slide, and Yankee Slide, with sums ranging down to $1,000,000, and a number of others with several hundred thousand each. In *El Dorado Co. Hist.*, 76, 85, the yield of the county is placed at $100,000,000. *Sac. Union*, Nov, 9, 18, 1854; Jan. 13, Feb. 19, 26, Mar. 23, Apr. 6, 12, 23, June 10, 20, 26, Oct. 23, 1855; Dec. 22, 1856; *Alta Cal.*, July 30, Dec. 5, 1852; Nov. 25, 1855; Apr. 29, Oct. 14, Nov. 29, 1856; *S. F. Bulletin*, Dec. 3, 21, 1855; Mar. 3, Apr. 29, 1856, with allusions also to ditches.

lic and quartz mining stepped in to supply the deficiency, assisted by numerous ditch enterprises, which by the end of 1855 covered in El Dorado more than 600 miles, at a cost of $1,000,000.[18]

The narrow divide between the Middle and North forks was exceedingly rich, as shown by the number of important camps which sprang up, notably Yankee Jim's, Todd Valley, Wisconsin Hill, and Iowa Hill;[19] and of this wealth the North Fork had an ample share, distributed along numerous bars,[20] with many fine nuggets.[21] One of the most famous diggings here was opened in 1848 round Auburn,[22] which throve so well as to secure in due time the county seat. On the adjoining Bear River, Dutch Flat became the

[18] In *Cal. Jour. Ass.*, 1856, 26, are given 20 ditches of 610 miles, valued at $935,000. A later version increases the mileage to 800 and the value to $1,400,000, pertaining to 16 leading canals, the main trunk of which measured 475 miles. Of quartz-mills, to be treated in vol. vii., there were then 7 crushing 56 tons daily. The history of the chief canals is given in *El Dorado Co. Hist.*, 104 et seq. Near Placerville was a ridge of quartz. *Sac. Union*, Mar. 13, 1855; *S. F. Bulletin*, Jan. 19, 1856; instance rock yielding $225 per ton.

[19] The first two dating from 1849. Near Yankee Jim's, long a leading town of Placer county, rose Georgia Hill, which proved one of the richest surface diggings. Here abutted also Shirt-tail, Brushy, and Devil's cañons. Bird's store, El Dorado, and Antoine cañons above Michigan Bluffs, worked since 1850, when Bath, of many other names, came into prominence, to be eclipsed soon after by the contemporary Forest Hill. Not far off lay Bogus Thunder, Damascus or Strong Diggings, Deadwood, which belied its name only between 1852–5, Humbug Cañon, Euchre Bar, the rich Grizzly Flat. Iowa Hill yielded $100,000 weekly in 1856 from its hydraulic mines, and continued to prosper. Its yield for thirty years was placed at $20,000,000.

[20] Such as Kelly, Barnes—discovered by Barnes, *Or. and Cal.*, MS., 14–18, early in 1849—Smith, Spanish, and Oregon Gulch, the last spoken of by Thompson. *Stat.*, MS., 21–6; *Crosby, Stat.*, MS., 19–20; *Moore, Exper.*, MS., 7–8; *Placer Times*, May 26, July 25, Dec. 15, 1849; *S. F. Picayune*, Sept. 11, 1850; *Alta Cal.*, Aug. 2, 1849; *Directory Placer Co.*, 1861, 13, etc. Among other bars were Calf, Rich, Jones, Mineral, Pickering, and the noted Mormon Bar.

[21] In 1849 two nuggets of 40 ounces and 25 pounds respectively were reported. *Placer Times*, June 23, 1849. Two weighing 25 lbs. and 16 lbs. *Sac. Transcript*, Apr. 26, 1850.

[22] By Claude Charnay and party near Ophir. It was first called North Fork Dry Diggings, and in 1849 Auburn. Ophir, first called Spanish Corral, was in 1852 the largest place in Placer county, quartz veins and fruit-growing tending to avert any serious decline, and to keep it above its former rival, Frytown, which died after contributing to raise Auburn to the summit. The story is told that some of the richest ground was found beneath House's hotel, and so enabling him to devote his leisure moments to digging under cover, and earning about $100 a day. A $4,000 nugget was reported. *Alameda Co. Gaz.*, Apr. 19, 1873; June 19, 1875; *Sac. Transcript*, May 29, 1850; *Armstrong's Exper.*, MS., 13–14.

leading place.[23] The several streams running in close proximity were a welcome source for the many ditch enterprises required for hydraulic and tunnel mining, which here predominated, gravel beds of 100 feet in depth being abundant from Todd Valley north-westward.[24]

Nevada stands forward preëminently a mining county, with placers as rich as any along the branches of the Yuba, followed by extensive gravel deposits through the central and eastern parts, where runs the famous Blue Lead, and finally by wide quartz belts. The lodes did not prove very heavy, and the veins averaged only two feet in width, but the ore was of a high grade, very tractable, and mostly associated with sulphurets.[25] The first recognized discovery of auriferous ore was made in June 1850 at Grass Valley, which, by opening the first mill, became the initial point in California for a new era in mining. An excitement soon set in, and machinery was introduced by different parties; but owing to inexperience and imperfect methods, the cost of reduction ranged so high as to absorb rich yields, and spread general discouragement. A few rich mines alone managed to sustain themselves, and their improvements, by which

[23] Mining was done in June 1848 at Steep Hollow. In 1849 a number of bars were opened, and Alder Grove or Upper Corral, near Colfax, and Illinoistown attracted a large influx. *Placer Times*, May 17, 1850, dilates upon the yield of Gold Run.

[24] In 1855 there were 29 canals 480 miles long in Placer county, valued at $649,000, yet costing much more. *Cal. Ass. Jour.*, 1856, 26. The tunnels at Michigan Flat were estimated to be 28 miles in length, costing $1,330,000. There were in 1856 only four quartz-mills in the county. The total production for 1856 was placed at $6,000,000. County surveyor's report. *S. F. Bulletin*, Dec. 10, 1856; Aug. 3, 1857. The largest canal belonged to the Auburn and Bear River W. Co., with main line of 50 miles and 150 miles of branches. A short railroad was built in 1853 from Auburn to Virginia Hill, but a ditch soon replaced it. *Placer Co. Hist.*, 271, 224. For early mining operations in this county, see, further, *Placer Times*, May 12, June 30, 1849; Jan. 26, 1850; Nov. 15, 1851; *S. F. Picayune*, Sept. 11, 27, 1850; *Sac. Transcript*, Apr. 26, June 29, Aug. 30, Oct. 15, 1850; June 1, 15, 1851; *Cal. Courier*, July 15, Sept. 27, 1850; *Pac. News*, May 17, Dec. 22, 1850; *Fay's Stat.*, MS., 11–13. Concerning later progress and excitements, see *Sac. Union*, 1854–6; *Alta Cal.*, 1852–6, passim.

[25] The auriferous belt turns here and runs more directly north and south. In the south-western part of the county the limestone belt is conspicuous

the cost of extracting and reducing was lowered, gradually regained confidence, so that by 1856 three quarters of a million of dollars had been invested in this branch, employing 500 men, with the prospect of rapid increase. Nevada City was the chief participant with Grass Valley in the threefold development of placer, gravel, and quartz resources, which secured for her the dignity of county seat. Few places were so favored, and the most of these had but a temporary success as camps, a few alone surviving till late days, chiefly as agricultural centres. They sprang up along the south and middle Yuba, the upper part of Bear River, and in the ravines and flats of the intervening divides, some yielding large sums, Rush Creek being credited with three millions, Poorman's Creek with one million, and Grass Valley four millions within six years from her placers, her total production for fourteen years being about twenty-four millions. The broad gravel belts of the central and northern parts of the county helped, not alone in swelling the annual total, but in promoting the construction of a vast water system, which in 1856 embraced 100 ditches and canals, 800 miles in length, one of 16 miles costing $350,000, while others, in favorable ground, had involved an expense as low as $200. These belts thus developed likewise gave to Nevada the credit of perfecting and introducing such mining appliances as the tom, sluice, and hydraulic methods.[26]

[26] The miners who wintered on the Yuba in 1848-9 made several new developments which were amplified by the fast inflowing gold-seekers. Rough and Ready sprang up rapidly as a mining centre, casting in 1850 nearly 1,000 votes; but after this decade it declined. Near by were Randolph, Butte, Rich, and Texas flats, and Squirrel Creek. In 1851 the Kentucky Ridge quartz ledge was opened. In the following decade a brief excitement in copper mines gave rise to several settlements, of which Spenceville alone proved a feeble survival. Eastward, past Newtown, or Sailor Flat, and along Wolf Creek, miners drifted into the renowned Grass Valley, where D. Stump and two other Oregonians had found gold in 1848. Boston Ravine became the starting-point for the several placers here, which, within six years, yielded nearly $4,000,000, and led to the discovery of gold quartz at Gold Hill, in June 1850. Little attention was paid to it till October, when one McKnight opened a rich vein two feet wide, and created a furore for all claims in every direction. Round Grass Valley were located, within a few months, a number of other hills, as Massachusetts, the second in order of discovery, Ophir, Osborn,

Mining in Yuba county has been restricted to the north-eastern part, and to bar and gravel claims; for

Lafayette, and Eureka, which latter failed to pay for several years, till a rich ledge was struck; the Allison, one of the richest in the world, opened in 1853 by following a placer vein; but owing to the disrepute then cast upon quartz mining from the ill success of inexperienced men, the ledge was long neglected. A few mines did well, however, and the occasional finds of rich quartz chunks by diggers, as at Coyote, *Sac. Transcript*, Sept. 30, 1850, tended to revive confidence. Similar were the experience and condition of Nevada City, which had an earlier start, and was in March 1850 organized as a town, and subsequently as a city, with the dignity of county seat. All around rose flourishing camps, especially along Deer and Brush creeks, the latter yielding within a few years some $3,000,000. There were the hills of Selby, Phelps, Oregon, Coyote, Lost, Wet, and American, the latter famous as the scene of Matteson's first hydraulic venture; the flats known as Gold, Thomas, and Selby; the rich Gold Run where claims sold in April 1850 at from $5,000 to $18,000; Gold Tunnel sold in March 1851 for $130,000—*Alta Cal.*, March 28, 1851; *Sac. Transcript*, Apr. 26, 1850; *S. F. Picayune*, Sept. 14, 1850—Beckville, and Coyoteville, so named from its peculiar coyote mining. Its lead is said to have yielded $8,000,000. In Oct. 1850 the quartz excitement led also here to the opening of several promising ledges. Three men bought quartz claims for a trifle, and by employing men to break the rock with hammers, and picking out the gold, they netted $20,000 in ten days. One piece of 25 lbs. yielded $200. *Sac. Transcript*, Feb. 20, 1851. There were then three companies at Nevada operating quartz machinery; one six-horse machine crushed ten tons daily. At Grass Valley the pound of rock produced from 10 to 30 cents. *Id.*, Feb. 1, 14, 28, March 14, 1851; *Placer Times*, Oct. 26, 1851, contains a list of quartz-mills; *Simonin, Vir Souter.*, 419. According to the *Nevada Democ.*, the capital invested in quartz mines and machinery in the county in 1856 exceeded three quarters of a million, giving employment to 500 men. The cost of crushing was about $12 per ton. The *Grass Val. Intelligencer* reduced this to $10 per ton for many mills, or nearly double when custom mills were used, raising and hauling included. *S. F. Bulletin*, Nov. 29, 1856. Of the Grass Valley mills five were reducing ore yielding not less than $60 per ton, some exceeding $100 per ton, and Allison reaching $300. *Alta Cal.*, Dec. 5, 1856, et seq. East of Nevada City lay a broad belt of gravel which extended from the Middle Yuba to Bear River and beyond, expanding in Little York township into several eastern branches. Placer mining had here spread from Scott Ravine—though Union Bar and Nigger Ravine were the initial mining points—to Little York, which, in 1852, rose to a stanch town on the strength of the gravel discoveries; so did Red Dog, which after 1866 moved almost entirely to You Bet, dating from 1857. It also absorbed Walloupa without gaining any permanent strength. In the adjoining Washington township, Alpha and Omega marked two mining centres, dating one year subsequent to Indiana Camp, or Washington, of 1849, on the south Yuba, which in 1850–1 had 3,000 miners in the vicinity. Along the South Yuba, in this region, were the bars, Canal, Long, Keno, Jimmy Brown, Boulder, later Rocky, Grissell, and Brass Wire; the flats, Whiskey, Brandy, Jackass, Lizard, and Virgin. Jefferson, or Greenwood, was a lively place; likewise Gold Hill. Poorman's Creek is supposed to have yielded a million. *Crosby's Stat.*, MS., 21–2. On the divide toward the Middle Yuba, Eureka South was opened in 1850 to become a bustling town for half a dozen years; in 1866 quartz discovery revived it in a certain measure. Lower were Orleans, Woolsey, and Moore flats, which rose in close rivalry in 1851, the first leading a while, but declining with the second, and leaving Moore's alone a thriving town. Like them, North Bloomfield, Lake City, Columbia Hill, or North Columbia, and Relief, or Grizzly Hill, owed their existence from 1851–3 to the gravel belts, of which a branch entered Bridge-

quartz, while freely scattered, has proved unprofitable in almost every instance. Among river bars the richest were found on the main Yuba, near the end of the auriferous line, as at Long, Rose, and notably Parks, the first of long duration and the last productive of several rapidly acquired fortunes. These deposits were drawn by the river from the ancient blue lead a short distance above. The gravel belts here, although of comparatively small extent, have been very remunerative, particularly at Sicard Flat, between Timbuctoo and Mooney Flat, and between Camptonville and Oak Valley, their wealth causing the construction by 1855 of a score of ditches about 360 miles in length.[27]

port township to sustain Cherokee, of 1850, North San Juan, which became a strong town, Birchville, Sweetland, and French Corral, the latter dating since 1849. Westward lay the well-known Condemned, Frenchmen, and Rice bars, and along the South Yuba, Bridgeport and Jones. Nevada ranks foremost in mining enterprise, for inventing and applying machinery, and in conducting water for working it. In 1850 four ditches were undertaken, beginning in March, it is claimed, with a channel about 1½ miles long from Mosquito Creek to Coyote Hill. In May water was brought from Little Deer Creek to Phelps Hill, at the rate of $4 per day per 'ton.' Moore began in August the ditch from Deer Creek to Rough and Ready, which was completed in 1851 by A. L. & B. O. Williams, for 15 miles. In Dec. a canal from Rock Creek to Coyote Hill, 9 miles, was finished, at a cost of $10,000. *Sac. Transcript*, May 15, 1851, calls the Rock Creek Canal the first of the kind, followed by two from Deer Creek. *Grass Val. Directory*, 1856, 10–12, claims the first in Aug., for Moore; in 1851 was begun the 15-mile canal from Deer Creek to Gold Flat; the Newton ditch of 5 miles, and the Triunion to Sucker Flat, 15 miles. By the close of 1855 there were 44 ditches, 682 miles long, says *Cal. Ass. Jour.*, 1856, p. 26. The assessor's report for 1856 has over 100 ditches, with a total length of 800 miles. The South Yuba canal of 16 miles cost $350,000, owing to its durability of construction and difficult route, including a tunnel of 3,200 feet. *S. F. Bulletin*, Nov. 29, 1856. The next in cost was the Middle Yuba of 26 miles, $100,000; the Miner's from the same source, 20 miles, $80,000; the Poorman's, 20 miles, and Grizzly, 45 miles, cost $40,000 each, and several ranged above $20,000; Simpson of 11 miles, from Shady Creek, is rated at only $2,000; and the Wisconsin, from Steep Hollow, 4 miles, at $800, owing to aid from self-sluicing, no doubt. *Nevada Co. Hist.*, 171–2. The charge in 1851 ranged from $16 for the first use to $1 for the muddy residue of the last claim. In 1855 a stormy convention met to obtain a reduction to 25 cents per inch of water. *Nev. Jour.*, Nov. 23, 30, 1855; Jan. 18, 1856. Further details of Nevada mining in *Marysville Directory*, 1858, 26, 94, etc.; *Yuba Co. Hist.*, 136, etc.; *Grass Val. Directory*, 1865, 69–88; *Nev. Democ.*, Nov. 29, 1854; *Grass Val. Teleg.*, Dec. 12, 1854, etc.; *Id.*, *Union*, Nov. 15, 1867, etc.; *Sac. Transcript*, 1850–1, passim; *Placer Times*, 1849–50, passim; *Pac. News*, Oct. 2, Nov. 13, 1850; *Cal. Courier*, July 13, Sept. 27, 1850; *Alta Cal.*, Aug. 2, 1847; Feb. 5, 1850; Jan. 30, 1853, and 1849–56, passim; *S. F. Bulletin*, 1855–6, passim; *Sac. Union*, *Id.*

[27] The Yuba revealed gold as far down as Marysville, in Aug. 1851, but here mining was forbidden. The first bar above of any note was Swiss, dat-

The same famous Blue Lead stretches with a great profusion of gravel deposits into Sierra, Butte, and Plumas counties, marked by a long line of tunnels and camps. The auriferous slate is generally covered by beds of volcanic origin which form the crest of the Sierra, but rivers have furrowed deep channels through them, especially along the western rims, leaving numerous rich bars and flats to delight the early surface diggers. Rich was indeed a common appellation for bars in this region, as well it might be, with prospects of several hundred dollars to the pan

ing since 1850, which like several others was soon buried beneath the débris from the upper mines. Above lay the bars known as Sand, Long, very rich and lasting, Ousley, Kennebec, Saw-mill, Cordua, all of 1849; Spect, of 1848, named after the first gold discoverer on the Yuba, who also opened the richer and enduring Rose Bar. Below this lay Parks, also of 1848, perhaps the most valuable on the river, which polled 600 votes in 1852, and threatened to rival Marysville. Here 5 men took out 525 lbs. of gold within a few days, and returned home. *Sac. Transcript*, Sept. 30, 1850. Above lay Sicard Bar of 1849, which in 1850 led up to Sicard Flat, a rich and lasting hydraulic point, whose gravel belt extends in the hills toward Long Bar to Chimney Hill, and southward to Gatesville or Sucker Flat and Sand Hill, of 1850. The adjoining Timbuctoo, Mooney's Flat, and Smartsville rose to prominence in 1855–6. Continuing along the river we find Barton Bar, Malay Camp, Lander, Union, Industry, National, Stoney, Poverty, Kanaka, English, Winslow, the latter named after a captain who introduced Cninese laborers, Negro, Missouri, and Horseshoe bars, Lousey Level, or Rice Crossing, Frenchman, and Condemned bars, Clingman's Point. At the mouth of Middle Yuba were many miners, and above lay Freeman Bar. Along the North Yuba were Bullard, Ferry, and Foster bars, of 1849, the latter having in 1850 about 1,000 people; at Bullard $50,000 was spent to turn a worthless river-bed. Above were the minor Long No. 2, Oregon, Pittsburg, Rock Island, Elbow, and Missouri No. 2 bars. In 1852 several bars appeared higher up toward the Slate Range Bar of 1849. Within the angle of the river bend extended the Camptonville district, which became prominent after 1850, and gave rise to a number of rich camps along the gravel belt from Oak Valley, to Camptonville, along Young, Galena, and Railroad hills, the latter so named from the first use of iron rails in tunnel operations. The north-east district embraced Strawberry Valley and Eagleville. In upper Foster district were Oregon Hill, or Greenville, and Indiana Rancho, the latter with 500 miners in 1851–2. Westward, in New York district, Natchez became after 1850 the centre of several rich ravines, which extended at intervals through Ohio Flat to Mt Hope, and afforded later a little quartz mining. Lower, along Dry Creek, rose Frenchtown and Brown's Valley, the latter remarkable for the most extensive though not very profitable quartz mining in the county. To the gravel deposits are due nearly all the ditch enterprises, which, begun in 1850, numbered eight years later 24, with a length of 218 miles, of which 60 miles belonged to the Triunion, from Deer to Sucker Flat district, 32 miles to the Excelsior to the same point, from Middle Yuba and Deer Creek. A number of ditches, 16 miles and less in length, supplied the Camptonville belt, and Brown Valley had also its conduits, one of 10 miles from Dry Creek. For authorities, see preceding note, and *Hist. Yuba Co.*, passim; *Marysville Directory*, 1858, 22 et seq.; *Cal. Ass. Jour.*, 1856, p. 26, has 18 ditches of 360 miles, value $560,000.

of dirt, and with nuggets ranging from the Monumental of Sierra City, 141 pounds in weight, to several of 20 and 50 pounds. On the north Yuba, Downieville became the centre of a wide circle of camps. South of it tunnelling early developed at Forest City, and in the opposite directions Slate and Cañon creeks loomed into prominence, with many dry diggings. For the year 1851–2 the assessor estimated the yield of Sierra county at $3,000,000, a figure well sustained by the expansion of drift and hydraulic mining, aided by about 300 miles of ditching prior to 1856, and by the growth of quartz crushing, for which half a dozen mills were erected. This branch was here led by the Sierra Butte mine, which ranked with the best of Nevada. In Butte and Plumas deep and extensive operations were more restricted, partly from the obstacles to the hydraulic method in Butte, owing to the level surface which offered an insufficient fall, and in Plumas owing largely to the difficulty and cost of conveying water. By 1856 the latter possessed only 65 miles of ditches. Quartz mining had in both received a discouraging check from early reckless experiments, but was gradually resumed to counteract the decline in shallow placers. Along the lower Feather River, Bidwell Bar, Long Bar, Forbestown, all soon eclipsed by Oroville, contributed largely to the production of Butte, which was noted for the surpassing fineness of its gold.[28] In Plumas the bars unfolded in such profusion and wealth as to satisfy even the expectations of the stragglers, who in 1850 had been lured by the Gold Lake fiction to this region. The North Fork boasted several places which had yielded fortunes in rapid succession, and Nelson Creek was literally speckled with nuggets and dust.[29]

[28] Ranging as high as $20.40 per ounce.

[29] Along the north Yuba, Cut Eye, Foster, and Goodyear bars had been opened in 1849, the last polling in 1852 a vote of nearly 600. Intermediate rose in 1850 St Joe, Nigger Slide, Ranty Doddler, Hoodoo, Cut Throat or Woodville, and Slaughter bars. On Goodyear Creek, Eureka flourished in 1856, and subsequently prominent near by lay Excelsior Diggings. The leading place was Downieville, first prospected by Goodyear or Anderson, but

Northward placer mining, especially of the surface character, remained preëminent, hydraulic and quartz

opened in the autumn of 1849 by Downie and others, and proving very rich, a population of 5,000 had gathered by April 1850. A year later over 1,100 votes were polled. Near by lay Snake, Cox, Steamboat, Big Rich, and Little Rich bars, Durgan Flat or Washingtonville, Jersey Flat or Murraysville, Zumwalt, O'Donnell, Charcoal, and Kanaka flats, and Sierra City, which became prominent in 1858. The divide southward was marked by the extensive tunnel operations at Forest City, first known as Brownsville and Elizaville, and at Smith Flat and Alleghany, the latter unfolding rich quartz veins in due time. On the north side of North Yuba ran Cañon Creek, with Poker and Craig's flats, and Slate Creek, with a number of tributary diggings, as Port Wine, Sears, which in 1856 had a vote of 398, Howland Flat, which long prospered, Pine Grove, Gibsonville, Whiskey Diggings or Newark, Hepsidam Chandlerville, Spanish Flat, and Minnesota. Several were dry diggings, which yielded their share of nuggets, and of these Sierra county boasted many, including the Monumental, elsewhere mentioned, from Sierra City, weighing 148 lbs. 4 oz. The second largest of California was a chunk of 51 lbs. from French Ravine in 1853, and one from above Downieville in 1851 which netted about $8,000. Fluming added greatly to the gold production, which the assessor for the year 1851-2 estimated at $3,000,000. *Cal. Jour. Sen.*, 1853, app. 3, pp. 55-6. Instances of rich finds in *Sac. Transcript*, Aug. 30, Nov. 29, 1850, Feb. 14, 1851, which speaks of strata yielding as high as $500 to the pan, and a score of pounds of gold in a day. *Vowell's Mining*, MS., 23-4. Drift and hydraulic mining acquired their real development only in later years, together with quartz. Nevertheless, several good ledges were worked in early days, notably Sierra Buttes, opened in 1850, which ranked second only to the Nevada lodes, and is supposed to have produced no less than $7,000,000 in 30 years. Gold Bluff, near Downieville, promised well. By 1858 seven mills had been erected in the county, valued at $56,000 and crushing 12,500 tons of ore. The length of mining ditches was then 183 miles, carrying 22,000 inches of water, the earliest, between 1850-3, being Haven's flume, which supplied Downieville, the Goodyear Bar ditch from Rock Creek, and Sears' Union, 11 miles from Slate Creek. Feather River, which for a time claimed to be the richest of the streams, was opened by Bidwell, who as a land-owner upon it prospected in 1848 and found gold near Hamilton, for a time county seat, and at Bidwell Bar, the leading place in Butte county till 1856; in 1853 it had a tributary population of 2,000. The main Feather River, round Thompson Flat, Adams Bar, and Long Bar, were also mined in 1848, the last turning out very rich, and counting at one time 4,000 diggers. Thompson Flat, or Rich Gulch, attained by 1854 at least 500 inhabitants. All these were eclipsed by Oroville, called Ophir from 1849 to 1855, which in the following year claimed a population of fully 4,000, and attained the dignity of county seat. The adjoining Lynchburg became in 1855 a powerful rival, but collapsed. Above lay the rich Oregon City and Cherokee Flat, the latter sustained by heavy hydraulic operations. Mountain View, Dogtown, or Magalia, was in 1855-6 a prominent mining place. Eastward, above Honcut Creek, Evansville, Wyandotte, Honcut, Dicksburg, and Forbestown rose in 1850, the latter becoming in 1853 second only to Bidwell Bar, with a population of 1,000, In 1855 Clipper Mills and Bangor unfolded, the latter with large gravel deposits. Along the south fork of Feather River were Stringtown, dating since 1849, and subsequently Enterprise, the latter revived in later years by quartz mining. On the north fork were Potter Bar, opened in 1848, and Yankee Hill in 1850. Concow township embraced a number of extinct camps, as Rich, Chuh, and Spring gulches, Berry Creek, Huff and Bartees bars. Among nuggets Butte county obtained from Dogtown a chunk of 54 lbs, and elsewhere a large number worth over $1,000. With the increase of fluming and hydraulic operations, 1855 and subsequent

finding fewer devotees, partly from the capricious nature of the deposits, and partly, as in Trinity, from

years saw a steady maintenance in the yield. Even in 1873 this amounted to over a million for four months. Quartz lodes were discovered in 1850, and proved so promising that two years later the county joined the excitement, and expended much time and money in fruitless experiments, as with the Sutter Quartz Co. of Forbestown, whose mill cost $200,000. The result was that most of the 13 companies existing in 1854 retired, a few alone, like the '49 and 56,' Trojan, and Banner, proving remunerative. The excitement assisted in promoting the construction of ditches, which served to develop other branches. The first three, of 1852, supplied Long Bar, Thompson Flat, and the Oroville-Wyandotte region, the last, from Forbestown, being 30 miles long. In 1855–6 Oroville obtained a special ditch.

The choice part of Feather River deposits fell within the limits of Plumas county, which was practically opened only in 1850 by stragglers from the Gold Lake rush. Below the Middle Fork, Onion and Little Grass valleys served as wintering ground, whence were explored Sawpit Flat, Richmond Hill, Rabbit Creek, and other diggings. The adjoining Nelson Creek proved exceedingly rich, nuggets lying strewn on the ground, and rockers yielding $500 a day. *Alta Cal.*, July 14, 1851. A host of bar, flat, and creek camps sprang up, as Graveyard, Henpeck, Poorman's, etc. On the Middle Fork, Eureka quartz lodge was discovered in 1851, and gave rise to the ephemeral City of '76. Near by grew up Jamieson City. Among noted bars were Rich, well deserving the name, Butte, Sailor, Poplar, Nigger, and Bingham; here were also Poverty and Columbia flats. Toward the North Fork lay Elizabethtown, or Betsyburg, which became the largest camp in the county, and rivalled the adjoining Quincy for the county seat, but declined after 1855. On the river itself a number of bars were opened, as Junction, Twelve-mile, Soda, Indian, French, Smith, etc., and not least Rich Bar, so named from a prospect of $2,900 from two pans of dirt. Several spots paid equally well. Four men took out $50,000 within a short time, and three others $36,000 in four days. In due time gravel beds and quartz attracted the main effort of miners; by 1856 only 65 miles of ditches had been constructed. *Cal. Jour. Ass.*, 1856, p. 26; 45 miles at a cost of $170,000, says the assessor's report of 1857. Thomas, *Mining Remin.*, MS., 3 et seq., Tyler, *Bidwell's Bar*, MS., 4 et seq., Armstrong, *'49 Exper.*, MS., 13, etc., give interesting personal experiences in this region. *Sac. Transcript*, Aug. 14, 1850, and 1851, passim; *Placer Times*, Jan. 5, March 23, 1850 et seq.; *Pac. News*, Jan. 10, May 15, 23, Aug. 21–3, Nov. 6, 1850, refer to big finds, of 7 lbs at a time, 50 cents to the pan, etc., of consequent fresh rush to Feather River early in 1851. Then came notices of men taking out nuggets, and over $2,000 a day. In Aug. 1850, 1,000 men were said to be working on the North Fork of Feather River, where claims of 15 feet square sold from $100 to $300, and on Nelson Creek at $250 a foot. It was supposed that Feather River would for 1850 yield more than the rest of the gold-fields. Rich quartz specimens were shown from the Yuba-Feather region in May 1850. For developments till 1856, see notices in *Alta Cal.*, 1849–56, passim; *S. F. Herald*, 1851–6, passim; *Sac. Union*, 1854–6, passim; *Sierra Citizen*, Nov. 11, Dec. 9, 1854; *Mount. Messenger*, Dec. 2, 1854, etc.; *Meadow Lake W. Sun*, Nov. 24, 1866; *Quincy Union*, Dec. 9, 16, 23, 30, 1865, etc.; *S. F. Sun*, June 8, 1853, refers to Onion Valley yielding the 'hansomest gold,' though worked for the third time; *Pioneer Mag.*, iv. 345, etc.; *Miner's Advocate*, Nov. 25, 1854, etc.; *S. F. Bulletin*, 1855–6, passim; Mar. 23, July 3, 7, etc., 1857; May 26, 1860. At Rich Bar a man took out apparently $15,000 in two days. *Armstrong's Exper.*, MS., 13. Bates obtained $2,500 from one panful and sold the lead for $5,000. At Downieville the average yield is reputed at 2 lbs a day per man. *Cal. Courier*, Aug. 9, 14, 23, 30–1, Sept. 2, 1850. At Foster and Goodyear bars, average $60 a day; near Nelson Creek $300 to $400 a day per man; a streak at South Bar yielded $5,000 a

unfavorable environment, and the difficulties and cost of access. Tehama has been practically excluded from metallic distribution, situated as it is almost wholly in the valley, so that only a few mining camps of minor note fell at one time within its limits. In Shasta the industry reasserts itself and shares in the eastern part in the silver lodes which form a leading feature of trans-mountain Lassen, to be developed in later years. The main fields of Shasta lie between Clear Creek and Soda Springs, tributary properly to the hitherto barren Coast Range, which, however, is here commingled with the westward turning Sierra Nevada, forming throughout the north-west an intricate network of spurs and narrow ravines, relieved by a few small valleys and flats. Reading, of Trinity River fame, gave his name to the district which sprang up in 1849 round Clear Creek and lifted Shasta City to prosperity. The main headwaters of the Sacramento and McLeod fork rose to prominence in the following year, the former proving enduring and sharing with the lower diggings in subsequent revivals which gave such activity in 1855 to ditch enterprises and operations on a large scale.

The fields north and westward had been made known by passing Oregonians, and particularly by Reading, who in 1848 penetrated to the Trinity, and was so encouraged as to return the following season. He was followed by a large train, a section of which started by sea from San Francisco to seek an entrance from the coast, and there plant supply stations. Among the results were the settlement of Humboldt Bay and Crescent City, and the vapid Gold Bluff excitement, during the winter 1850–1, with the expectation to reap an easy harvest from the auriferous shore sand already washed by the sea waves.[30] Mean-

day in quarter and half pound lumps; two men got 56 lbs in one day; Montgomery and McCabe's claim yielded $1,000 a day for weeks; Smith Bar yielded $1,000 per hour. *Pac. News*, July 17, Aug. 21–3, Oct. 2, 22, Dec. 11, 1802. Two Germans made 35 lbs in one day at Rich Bar. *S. F. Picayune*, Aug. 21–5, 31, Oct. 3, Nov. 23, 1850.

[30] The Gold Bluffs proper, below Klamath River, were discovered in May

while prospectors poured from the Trinity to other branches of the Klamath, finding rich bars on the Salmon, and meeting on Shasta River with gold-hunters from Oregon. The discovery of Scott Bar and similar glittering spots chained them to this region, and brought quickly large reënforcements from the south. Bars and gulches were opened throughout Scott Valley, on Thompson Creek and other tributaries, as well as upon the main Klamath. The opening of Cottonwood Creek and the hitherto misunderstood Yreka flat, Greenhorn and Humbug creeks, whose coarse grains and nuggets yielded fortunes in rapid succession, assisted in pointing out the true extent and nature of these strata, and in promoting the extensive operations marked by such ditch constructions as the Shasta canal of 1856 running for 80 miles.

The bars and tributaries of the lower Klamath, especially Salmon River, added to the wealth of Klamath and Del Norte counties, the latter possessing, moreover, remunerative diggings close to the coast, round Crescent City and upon Smith River. Humboldt's share was practically limited to the scanty production of the ocean gold bluffs, for the interior Trinity county tapped the main sources on the headwaters of the Trinity, with numerous bars, and with branch streams like Stewart, the site of Ridgeville,

1850, and to them was directed, under highly colored accounts by interested parties, the senseless rush of Dec. 1850, and subsequent months. The auriferous sand was estimated to yield from 10 cents to $10 a lb., and the patch corresponding to one member of the formed company was valued at $43,000,000, assuming it to be one tenth as rich as supposed. For reports on the field and the rush, see *Van Dyke's Stat.*, MS., 4 et seq.; *Sac. Transcript*, Jan.–Feb. 1851, and other journals. With the return of one unsuccessful party early in Feb. 1851, the journals began to discredit the reports, observing sagaciously that the eagerness of stockholders to sell shares looked suspicious. Over 2,000 miners were lured from El Dorado and Calaveras alone, it was said. Yet the *Placer Times*, Nov. 15, 1851, still speaks of successful operations by the chief company, although most trials had proved the gold specks to be too fine for remunerative separation from the heavy black sand in which they lay. The deposits extended nearly from Crescent City to Humboldt Bay. By watching for the richer patches left by the retreating tide, a considerable amount of sand could be secured, and with the aid of sluicing at some adjoining creek, as the readiest process, a sufficient proportion of specks could be saved to repay the labor of a small number of men.

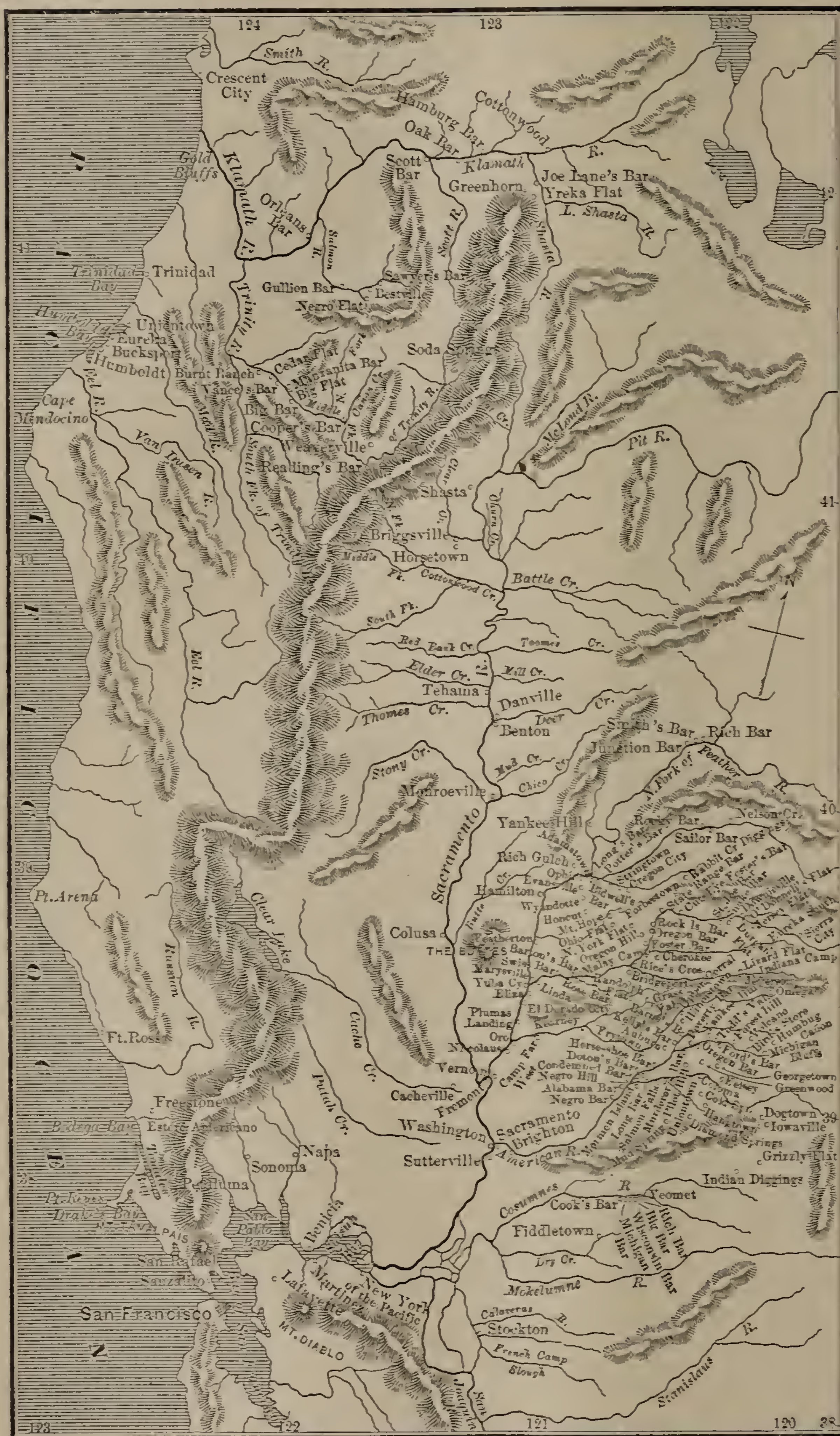
Rush Cañon, the site of Cañon City, and Weaver Creek, the site of thriving Weaverville. The county claimed in 1856 over 2,500 miners, whose average income amounted to $1,000 each for the year. Fluming and hydraulic undertakings were in the north-west restricted to a small area, owing to unfavorable surroundings. This interfered also with the reduction of quartz. Ledges had been discovered in 1851, and the excitement which seized upon the branch throughout California found its due response also here; but distance from the base of supply for machinery and provisions so increased the obstacles presented by nature, inexperience, and costlier labor, as to cast a long spell upon the industry.[31]

[31] In the Reading district, centring round Shasta, or The Springs, a number of camps sprang up in 1849, along and near Clear Creek, among which Briggsville and Horsetown became the most prominent and enduring. *Hayes' Mining*, iv. 49 et seq. The bed of the creek proved rich, and by the autumn of 1850 some 20 dams were placed to turn the current. *Sac. Trancript*, Aug. 30, 1850. Northward rose the noted Grizzly Gulch, Flat Creek, Gold Run, Muletown, Churn Creek, Buckeye, Mad Mule, Hardscrabble, and other gulches. The main Sacramento toward Soda Springs acquired fame, chiefly in 1850, when Dog Creek and other tributaries lured the prospector. The mystic Lost Cabin, which so long formed one of their ignes fatui, was said to have been rediscovered after 14 years. *Yreka Union*, Feb. 20, 1864. McLeod River also proved remunerative, and new fields continued to be unfolded, as shown by the scattered notices in *Alta Cal.* for 1850 et seq., and *Shasta Courier*, 1852-4, passim. Early in 1855, the main Sacramento created a decided excitement, the bars at different points yielding readily $5 per day and upward. *Sac. Union*, Apr. 13, 19, 1855. In the following year the yield was declared to be greater than ever. *S. F. Bulletin*, Jan. 29, Feb. 19, 1856; and Shasta flourished till it acquired a population of some 6,000. The increase was greatly due to flumes, tunnels, and other extensive operations, which moreover increased the construction of ditches, particularly in 1855. The most notable enterprises were the Clear Lake ditch, 35 miles in length. Briggsville was supplied by a special ditch from Cottonwood, and shared in the conduit to Lower Texas Springs. *Sac. Union*, Feb. 15, Apr. 10, May 29, June 12, Oct. 30, 1855, etc. Yet during 1856 water became scarce, which interfered with sluicing. Beyond Mount Shasta, whose volcanic flows had covered many ancient deposits, Siskiyou revelled in a series of rich districts tributary to the upper Klamath. Oregonians on the way to and from the Sacramento had prospected them with moderate results; their unfoldment was due chiefly to the attention created by Reading's venture on the Trinity, to which stream he penetrated in 1848 by crossing from Cottonwood Creek with a band of Indians, and finding sufficient inducement to return in 1849 to work the bar bearing his name. He was joined by Kelsey and others, who reported a yield of from $100 to $300 per day. *Placer Times*, Sept. 29, 1849, etc.; *Alta Cal.*, Aug. 2, 1849; *S. F. Herald*, June 8, 1850; *Sac. Transcript*, Oct. 14, 1850. R. G. Shaw and his unfortunate companions were among the few who dared to winter here. The glowing accounts transmitted roused a lively interest in the south, and as the Trinity was supposed to abut at Trinidad Bay, this point was regarded as the best entrance to it. Expeditions accordingly

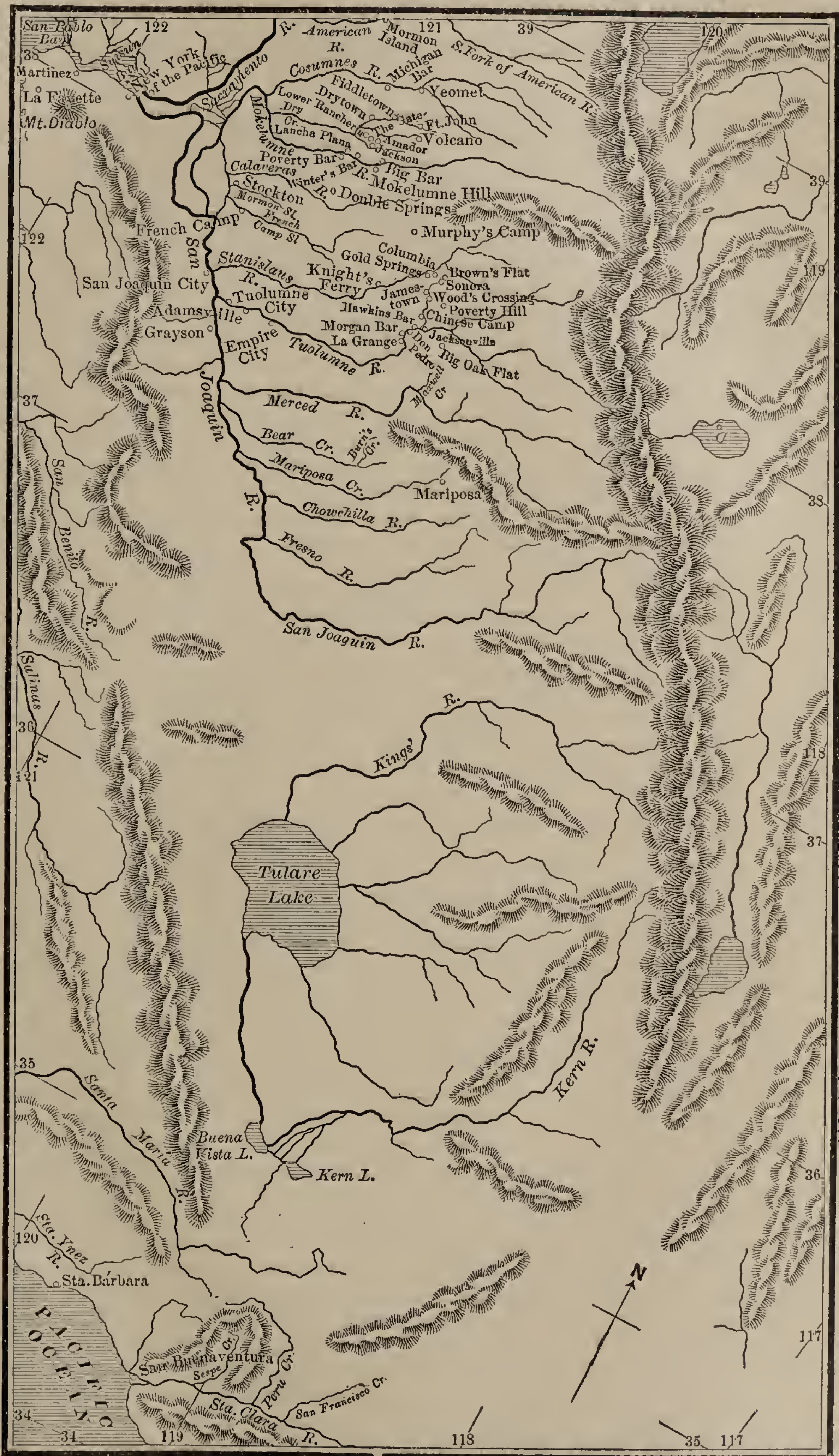
The southern gold region, below El Dorado, as I have said before, is marked by a less regular distribu-

set out by sea in Dec. 1849, and found the bay after much search. *Pac. News*, Apr. 26, 1850, etc. Disappointment in the course of the Trinity tended to disperse the gold-seekers, and to promote the opening of other districts, swelled by the inpouring mass from the Sacramento Valley. Crossing from the Trinity, prospectors, led by Rufus Johnson, found in June 1850 rich bars on Salmon River, especially at the forks and up the north branch. Thence they crossed to the Klamath and followed it up to Shasta River, where Gov. Lane had just been making a fairly successful test in July–August. Inexperience with the ground and with mine indications stamped most efforts in this section during the year, and Yreka Flat and other rich places were then declared worthless. Nevertheless several precious spots were found, such as Scott Bar, from which Scott was driven by Indians, in August, although others followed and sustained themselves. *Pac. News*, Aug. 22, 1850, has contradictory reports, with best yield at 10–15 cents per pan, but later accounts—*Id.*, Oct. 18, Nov. 1, *Sac. Transcript*, Oct. 14, Nov. 10, 1850, *Cal. Courier*, July 1, 1850, and *Alta Cal.*, June 7, 1850, etc.—gave such glowing accounts that a rush set in during the winter. The smallest average was an ounce, while many took out $100 daily. Early in Feb. 1851 a thousand miners passed through Sacramento for the north. *Sac. Transcript*, Feb. 14, 28, 1851; *Pub. Balance*, Jan. 25, 1851; *Cal. Courier*, etc. The chief allurement was Yreka flat with its coarse gold, opened in the spring of 1851, which lured 2,000 men within a few weeks to build Yreka, first called Thompson Dry Diggings, then Shasta Butte City. Frogtown, or Hawkinsville, near by, became the centre for Long, Rich, Canal, and Rocky gulches. Humbug Creek, 10 miles below, belied its name by a profuse yield, which in 1853 occupied 1,000 men, and gave rise to Freetown, which died in 1854, Riderville which revived in 1859 as Plugtown, Mowry Flat, or Frenchtown. McBride Gulch was well known, and beyond Joe Lane Bar, near the mouth of Yreka Creek, Greenhorn Creek gave many a fortune after 1850. Still more renowned was Cottonwood, on the creek of that name, later Henly, with a number of tributary channels, gulches, and flats. Southward, below Shasta River, were Hamburg and Oak bars of 1850, and Virginia. On Scott River, famed for its coarse gold and nuggets, Scott Bar long sustained itself, closely rivalled by Junction, Slapjack, Lytte, Poorman, French, and Johnson bars. Near the latter rose in 1854 Simonville. The three-year-old Deadwood on McAdam's Creek then received a decided advance, but declined after 1858. Hardscrabble and Oro Fino were minor neighbors. Mugginsville, or Quartz Valley, experienced a quartz excitement in 1852, which later bore fruit in two mills. Rough and Ready unfolded into Etna, and Thompson Creek added its quota. Below Scott River rose a number of bars, as Mead, China, Masonic, and Fort Goff. Gen. Lane gives his experiences here in 1850–1. *Narr.*, MS., 108–12; also, *Anthony's Rem. Siskiyou*, MS., 6–14; *Siskiyou Affairs*, MS., 10; *Yreka Union*, June 5, 1869, etc.; *Ashland Tidings*, Aug. 9, 1878. Barry, *Up and Down*, 125–30, mentions some rich throves; *Hearn's Cal. Sketches*, MS., 3. Steele refers to the Yreka discovery in *Or. Jour. Council*, 1857–8, ap. 42–3; *Placer Times*, Nov. 15, 1851, etc.

At first, miners on Scott River were restricted to pan and knife working, and the usual pickings returned nothing less than pieces varying from $2.50 to $900. *Sac. Transcript*, Jan. 13, Feb. 1, 14, 28, 1851. Some accounts are contradictory, yet the yield continued large, with new developments reported every now and then till 1855, at Pinery, which were the last important diggings of Siskiyou, says *Yreka Union*, June 5, 1869, although the old points widely sustained themselves, aided by quartz and a little hydraulic work. Indian Creek was famed in 1855–6. *S. F. Bulletin*, Mar. 3, 1856. Poverty Gulch gave $4 per bucket, etc. *Sac. Union*, Nov. 10, 1854; June 15, July 19, 1855; *Alta Cal.*, 1851–6, passim; *Hist. Siskiyou Co.*, 29, 59, 210 et seq. Quartz leads were found on Humbug Creek and in Scott Valley as early as 1851, and



Northern Mines, 1849–50.



SOUTHERN MINES, 1849-50

tion of placer deposits, which occur chiefly in patches and pockets in coarse form, rendering the search more

several companies formed in 1852, *Siskiyou Affairs*, MS., 22--3; but high prices and wages, and difficulty of introducing machinery, added here to the general obstacles in this branch in early days, and it received a long-enduring check, till 1862, when Humbug rose into prominence. The first ditch, the gross 2½ miles, was constructed in 1852 from Ranchería Creek in Cottonwood, and several others were added by 1856, notably the Shasta River canal, 80 miles, completed in the spring of 1856, at a cost of $200,000. *Sac. Union*, Dec. 14, 1854; Feb. 2, Apr. 14, May 11, July 6, 1855; *Alta Cal.*, Feb. 5, July 19, 1856; *S. F Bulletin*, Feb. 11, 1856. Below, on the Klamath, were several bars and creeks of note, which added to the wealth of Del Norte county, as Indian Creek, and the adjoining well-sustained Happy Camp, with subsequent hydraulic works. Wood and Wingate were among the main river bars below. Elk Creek yielded well, and around Crescent City sprang up a flourishing district, with Bald Hills, which gave rise to the ephemeral Vallardville, and to more enduring hydraulic claims, and with the Smith River mines, notably Myrtle Creek, which paid from $5 to $25 per day. *Van Dyke's Stat.*, MS., 8; *Sac. Transcript*, Jan. 14, 1851. There were also French Hill, Hayne Flat, and Big Flat, the latter with extensive gravel beds. *Bledsoe's Del Norte*, 10, 21, 39 et seq.; *Crescent City Herald*, Nov. 29, 1854; *Hist. Humboldt Co.*, 121, etc.; *Sac. Union*, Dec. 14, 1854; June 15, 1855; and references above. Klamath county shared also in the gold tribute of Klamath River, and Orleans Bar, which became the county seat in 1856, dates since 1850 as her first placer field. Her largest yield came, however, from the Salmon River fork, with Gullion Bar, Negro Flat, Bestville, and Sawyer Bar as leading places. On Frost Bar, a large party made from $2,000 to $6,000 each within two months. *Sac. Transcript*, Oct. 14, Nov. 14, 1850; Feb. 1, 14, 28, 1851. Early in 1851, about 1,000 persons left Trinidad for that river, paying from $1 to $225 a pound for packing food. Two men had come down from Salmon River with $90,000, the result of three weeks' work. The stream continued to yield well, and in 1855 the miners were making from $6 to $50 per day between Bestville and Sawyer. At Sawyer it was proposed to exclude Chinese. *Alta Cal.*, Apr. 2, Aug. 7, 1854; Apr. 21, May 25, 1855; July 26, 1857; *S. F. Bulletin*, Mar. 11, 1857; Aug. 4, 1856; *Sac. Union*, Feb. 15, Apr. 2, May 10, Aug. 17–18, 1855. Humboldt county could show little of mineral resources beyond her share in the scanty Gold Bluff production. The interior of Trinity county absorbed the main sources from this coast region by occupying the headwaters of Trinity River. Reading's Bar of 1848—which worked in 1849–51, revived in 1852—had been followed in quick succession by a series of diggings, as Evans', dating since 1849, with the first log cabin, and with a ditch in 1851. In 1850 the number of camps multiplied, including Red, Whetstone, Slate, Pike County, and other bars. Steiner flat, or ville, lasted many years. In 1851 rose Trinity Center, long prosperous, Eastman, Bolt, and Deadwood diggings, Arkansas Dam, twice dammed in 1854 at a cost of $45,000. Point, Polka, and Poverty bars, and Miners, or Diggers, ville followed, the latter on Stewart Fork, where in 1855 rose Ridgeville, or Golden City, with 700 inhab. in 1856, though it soon declined. One of the most prosperous places was Weaverville of 1850, which became the county seat in 1851, and claimed at one time 4,000 inhabitants. It lay on Weaver Creek, which was prospected in 1849. Cañon Creek had two prominent camps in Mill Town and Cañon City, the latter dating since 1851, and having in 1855 fully 400 inhabitants. It revived in 1858. Below Cooper, Big Bar, with first female settler, Mrs Walton, and Manzanita, were among the bars opened in 1849, followed in 1850 and later by Big Flat, which counted 250 persons in 1855, Vance Bar, North Fork, important in 1852, and Taylor Flat. On the lower Trinity were Cedar Flat and Burnt Ranch. The *Sac. Transcript*, Apr. 26, Oct. 14, 1850, Feb, 14, June 15, 1851, reports that one man

precarious, but also more fascinating by the larger rewards for the fortunate miner. This applies likewise to gravel beds. Quartz on the other hand presents itself in more defined outline. An auriferous belt of earth and rock extends along the foot of the Sierra Nevada, from Sacramento county where it lies, only six to eight miles in width, upon the eastern border, through Amador and Calaveras, gradually expanding till in Tuolumne it reaches a width of 25 miles. In Mariposa it again tapers, dropping away in the districts southward. The western edge contains the productive veta madre, with its line of representative quartz mines, which in Mariposa splits into two branches.[32] Its eastern line is bordered by a heavy limestone belt, met in Amador by the granite formation from the north, and covered by volcanic masses.[33]

This county received its share of alluvial wealth from the Cosumnes and Mokelumne twin rivers; and although ranking rather as a halting-place for the migration to and from the southern field, a series of bars and camps sprang up, which were especially numerous along the tributaries of the latter stream. Most prominent was Dry Creek, with the branch creeks, Sutter and Jackson, the latter with the county seat. On the headwaters lay Volcano, famed for its rich

made $11,000 in eleven days; on Campbell Creek miners averaged $10 a day. *Placer Times*, Feb. 2, Apr. 22, May 3, 22, 27, 1850, adds that Bowles' party averaged $50 daily per man in 1849. Below Big Cañon, a man took out 2½ lbs a day for some time. Big Bar had 600 miners in the spring of 1850, average $25 to $50 each daily. One man had 200 lbs of gold, but few had great success. Diarrhœa, etc., frightened away many. *Pac. News*, Apr. 27, May 2, 9, 18–23, Aug. 22, 24, Sept. 7, 1850; *Cal. Courier*, Sept. 28, 1850; *Polynesian*, vii. 34; *Van Dyke's Stat.*, MS., 3; *S. F. Picayune*, Dec. 18, 1850. By 1854 Cañon Creek Water Co. and two other parties were doing fluming on a large scale, and others followed the example elsewhere. Ridgeville occupied 1,000 men in 1855. At Oregon Gulch three men made $300 per day for some time. *Sac. Union*, Nov. 28, 1854, Apr. 19, June 7, 26, 1855. West Weaver paid $10 to $30 to the hand. *S. F. Bulletin*, Feb. 2, 1856. The yield for the year to 2,600 miners was $2,500,000. *Alta Cal.*, Oct. 26, 1856; *Barstow's Stat.*, MS., 4–5, and above general references.

[32] At Volcano a recent formation of quartz veins is revealed in the gravel.

[33] In Calaveras the limestone has been worked, near Murphy's, for placer gold. It has also here and in Amador imbedded quartz veins, with a little cinnabar.

deposits and its gravel beds, the latter in due time inviting the hydraulic process, which also found an ample field in Jackson, French Camp, and other districts. Quartz veins were unfolded early in 1851 on Amador Creek, with several points rich enough to sustain themselves under early adverse circumstances, till improved methods brought forward a long line of permanent mines on both sides of the veta madre, among which Jackson marked the western and Volcano the upper edge.[34]

[34] Amador shared in the wealth of the Cosumnes at a number of bars along its main and south fork, whereof Yeomet, or Saratoga, at their junction, long maintained itself a promising town. Below, on the divide, rose Plymouth, one of the earliest quartz mining places, which absorbed the interests of the adjoining Pokerville Camp, and gradually overshadowing Fiddletown of 1849, which had received a decided impulse in 1852. The richer section of the county bordered upon Mokelumne River and its tributaries, notably Dry Creek, where Drytown sprang up in 1848, and flourished till 1857. At Amador, on the creek of that name, the placer mining of 1848 early gave way to quartz. Its branch, Ranchería Creek, stood since 1848 in good repute with its deep and slate gulches, which brought the tributary population of Lower Ranchería at one time to 600. Irish Hill has sustained itself till recent times. Muletown, on Mule Creek, was famed for its productive ravines, to which hydraulic methods were applied in 1854 with continued success. Fort John, on the north fork of Dry Creek, promised in 1849–50 to become a leading town, but declined rapidly; yielding the honors to Volcano, which opened in 1848. Here were some remarkably rich deposits, one in gravel, which must have yielded $1,000,000 in the course of 30 years. At Indian and Soldier gulches, a pan of dirt could frequently give several hundred dollars, many readily obtained $1,000 a day. In 1853 ditches were constructed for working less rich deposits, and quartz mining was added to sustain the production. Russell Hill and Aqueduct City proved ephemeral. Other noted points on Sutter Creek were Ashland, Grizzly Hill, Wheeler Diggings, and several gulches and flats toward the headwater. The Ione City of 1850 developed into a permanent settlement, and Sutter Creek, opened in 1848 by the historic Swiss, developed after 1851, with quartz mining, into one of Amador's leading towns. Another prominent tributary of Dry Creek was Jackson Creek, with Jackson, the county seat, founded in 1848 by Mexicans as Botellas, and sustained by a wide gold-field, embracing The Gate of 1849, Ohio Hill, Squaw Gulch, and Tunnel Hill, with rich gravel, tunnelled in 1852, and with hydraulic works in 1858. The more distant Slabtown and Clinton proved less valuable. Encounters with Indians and native Californians gave rise to such names on Dry Creek as Murderer's Gulch of 1849, and Blood Gulch. There were also Rattlesnake gulch and flat. The Mokelumne was found very productive, especially at James Bar, in 1849, and the gulches known as Rich, Murphy's, Black, and Hunt. Butte City was once a rival of Jackson. Lancha Plana, opened by Mexicans in 1848, flourished in 1850, and received in 1856 fresh impulse from bluff mining, particularly on Chaparral Hill, which rapidly raised the population to 1,000; but after a decade it declined. The adjoining Puts Bar, while not rich, had after 1855 several hundred miners, mostly Chinese; and so with Camp Opera, which flourished between 1853–7. French Camp was marked by heavy tunnel operations in the gravel range for some time after 1856. Contreras was a favorite place for Mexicans. The first quartz vein discovery is here attrib-

South of Mokelumne River the rich patches multiply, first at Mokelumne Hill, a veritable gold mountain, which from slopes and gulches and adjoining flats yielded fortunes in rapid succession for many years. Even more extensive were the glittering deposits on the Stanislaus, especially round the celebrated dry diggings of Sonora, with their pockets and streaks of coarse gold and nuggets, caught by the riffle crevices of the limestone bed. Woods Creek which traverses this district may be classed as probably the richest stream of its size. The more regular strata of the north afforded no doubt greater satisfaction to the toiler with their fairer average returns, but lucky findings and sudden fortunes caught the visionary and the speculator, and procured a glowing record for the south, which brought to it an early population partaking of the capricious mining feature in its striking propensity for gambling and excesses.

The Stanislaus formed the boundary between Calaveras and Tuolumne counties, which stood linked as leaders of the southern field by the remarkable Table Mountain, once the lava filling of an ancient river-bed,

uted to Davidson, a Baptist preacher, in Feb. 1851, on the south side of Amador Creek. The original Amador mine, on the north side, was located about the same time. After clumsy attempts at crushing with crude engines, a German from Peru introduced the arastra, and with this improvement a number of parties were encouraged to open veins, only to receive, as elsewhere, the check from inexperience which only a few managed for the time to overcome. An instance of the hazardous nature of quartz mining is afforded by the Eureka or Hayward mine, which, opened in 1852, paid well for a year, and then declined; yet the energetic owner kept sturdily on though losing money for four years. After this a vein was struck which raised the mine to one of the richest. The east side of the belt was also lined by a number of mines which yielded well, especially at Volcano. In Calaveras the line grew less regular. By 1860 there were 32 mills crushing over 60,000 tons a year, and 600 miles of main ditches, the first conduit, at The Gate, being ascribed to Johnson early in 1851. Several were begun by 1852, and by 1861 there were nearly 30 in operation, one 66 miles long. *Alta Cal.*, Dec. 18, 1850, *Cal. Courier*, Oct. 21, 1850, etc., allude to the wealth of different camps. Scattered details in *Alta Cal.*, 1851-6; *Sac. Union*, 1854-6; *S. F. Bulletin*, 1855-6; *Woods' Pioneer*, MS., 98-9; *Hist. Amador Co.*, 90 et seq.; *Frask's Geol.*, 23-4. *Sac. Transcript*, Feb. 14, 1851, alludes to a quartz blast producing $30,000. *Placerville Democ.*, Aug. 19, 1876. In the east part of Amador were found indications of silver which in later years became the main wealth of Alpine county. The gold-bearing veins here were little worked, owing to need for deeper development, yet short adit levels would have sufficed and wood and water abounded.

and now presenting in its raised isolation a conspicuous instance of surface remodelling by water currents. Ousted from their original channel, they here avenged themselves by washing away the lofty banks which formed the serpentine mould of the lava. The rich deposits in this subterranean bed, which raised such excitement in 1855, and led to a close line of tunnels under Table Mountain, explain in a measure the source for the surrounding wealth. The bars of the living streams also produced much gold, and camps were numerous along the banks, particularly near the transverse auriferous belt, and extending into the valley counties of San Joaquin and Stanislaus. San Andreas, Vallecito, and Angel Camp were centres of rich districts which in time revealed quartz to sustain their prospects. Carson Hill proved a minor Mokelumne. Sonora, the chief camp of the south, was surrounded in close proximity by a larger number of important towns and settlements than could be found elsewhere within the same area. Among them Jackass Gulch bore the palm for yield, and Yankee Hill for nuggets. Chinese Camp, started by an importer of mongol laborers, was long the headquarters for this race. In both counties were stretches of gravel and cognate strata, which about 1855 began to attract attention for hydraulic operations, with ditches measuring 600 miles in length. The line of quartz veins, which soon became the main feature of mining, was bordered on the lower side by the towns of Angel, Carson, and Jamestown, and on the east by Soulsby, whose ledges are among the richest in the country.[35]

[35] Even richer than the Amador section of Mokelumne River was that embraced by Calaveras county, with the county seat for a time at Mokelumne Hill, which was discovered in 1850, and yielded fortunes for many years. *Alta Cal.*, Feb. 13, 1851. Big Bar and Murphy Camp, of 1849, had a wide reputation, the latter with a population of 1,000 in 1855. *Safford's Narr.*, MS., 21-2; *Pac. News*, May 10, 1850. Poverty and Winter bars lay near Lancha Plana. At Douglas Flat Table Mountain was first tapped. Vallecito formed the centre of a wide circle of places, such as French Camp. Angel Camp had fine placers, which soon led to equally promising quartz veins extending beyond Cherokee Flat. Carson Hill created in 1851 great excitement; its discovery claim alone produced within 8 years about $2,000,000; an adjoining claim gave half as much, and several others added to the total, with

Thus far extended the mining explorations of 1848, including the most valuable sections of the field.

simple methods. Wide-spread, though less glittering, were the flats and gulches round San Andreas, the county seat, which in 1856 managed to sustain a large population with the aid of three ditches and quartz development. *S. F. Bulletin*, Jan. 27, 1857. The eastern districts have less regular and reliable quartz veins; yet at West Point they yield from $20 to $100 per ton. Gossan deposits exist at Quail Hill, Iron Mountain, and Robinson Ferry, the latter remarkable for rare telluret. Hydraulic operations found many openings in gravel and other suitable ground, near West Point, at Old and French gulches, etc. Upper Calaveritas was especially promising. *Id.* Several ditches were in operation, including that of the Mokelumne Hill Co., one of whose extensions in 1855 measured 12 miles, and cost $40,000. *Sac. Union*, Apr. 9, May 15–29, June 11, July 30, 1855. In 1855 there were 17 ditches, 325 miles long. *Cal. Ass. Jour.*, 1856, p. 26. There were 16 companies with property worth $638,000. *Alta Cal.*, Oct. 1, Nov. 4, 1855, etc. The weekly yield of gold in the county was estimated at $125,000 in May 1855. Some rich strikes mentioned in *Id.*, Oct. 6, 1856; *S. F. Bulletin*, Mar. 25, 1856; which journal consult for scattered reports of progress, based partly on the *Calaveras Chronicle*, 1853 et seq. Earlier references in *Pac. News*, 1849–50; *S. F. Herald*, 1850 et seq. Taylor, *Eldorado*, i. 88, speaks of the rush to Lower Bar, where the two prospectors obtained 14 lbs of gold in two days, including a 2-lb nugget. Campo Seco, Clay Bar, Chile Gulch, Jenny Lind, French Creek, the latter on Calaveras River, were among the early camps. Tuolumne county acquired fame in 1848 for its dry diggings and coarse gold. Gov. Riley pronounced the placers on the Stanislaus and Tuolumne as among the richest in California. *Report*, Aug. 30, 1849. The region round Sonora was especially rich in pockets with nuggets. *Placer Times*, Apr. 6, 1850, alludes to a piece of 64 lbs. But the river bars were also rich with more regular strata. A claim was not considered worth working then unless it yielded one or two ounces per day. Some secured four times that amount. *Sutton's Stat.*, MS., 11; *Hancock's Thirteen Years*, MS., 136. Dean, *Stat.*, MS., 3, obtained several ounces daily on the Stanislaus. Men are making as high as 5 lbs daily at Peoria. *Cal. Courier*, Nov. 21, 1850; *Ryan's Pers. Adven.; Frost's Cal.*, 62–73. They make 3 ounces and more daily below Keeler's Ferry, and old dirt rewashed yielded as much as $1 to the pan. *Son. Herald; Sac. Transcript*, Feb. 14, 1851. And so on the Tuolumne, one of the richest streams. One small party took out daily $1,500, and even 28 lbs. *Id.*, Nov. 14, 1850; *Hewlett's Stat.*, MS., 4 et seq.; *Barstow's Stat.*, MS., 2; *Woods' Sixteen* Mo., 100; *Randolph's Stat,*, MS., 5. A Mexican took out 75 lbs in a short time. It is a common thing for two partners to divide 40 or 50 lbs per week. *Pac. News*, Aug. 27, Jan. 1, May 9–10, 1850; *Cal. Courier*, Aug. 9, 17, Sept. 9, Oct. 21, 28, 1850. A German obtained 40 lbs in 2 hours at Sullivan's. *Woods' Sixteen Mo.*, 139; *Cal. Past and Pres.*, 109–12; *Cal. Courier*, Aug. 26, 29, July 11, 24, Sept. 2, 16, 1850; *S. F. Picayune*, Aug. 31, Sept. 2, Oct. 1, 19, 1850; *Pac. News*, Dec. 22, 1849; Jan. 1, May 8–14, 24, Aug. 1, Sept. 7, Oct. 15, 19, 29, 1850; *Alta Cal.*, Aug. 2, May 24, Aug. 4, 1850, and 1851–6, passim; *Present and Future*, July 1, 1853; *Son. Herald*, 1851–4, passim; *Columbia Clipper*, *Id. Gaz.*, Dec. 2, 9, 1854, etc.; *Hayes' Mining*, viii. 217 et seq. Some Mexicans who struck a decomposed quartz lead near Curtisville gave some shares to Mayor Dodge and others for securing them against American rowdies. They frequently obtained $10,000 a day. *Alta Cal.*, Mar. 1, 1853. There was excitement in Sonora in 1854, when a party sought to mine the creek through the town. *Id.*, Jan. 3–4, 1854. Sonora, the county seat, and long the headquarters for the southern mines, was opened in 1848 by Sonorans, and counted in the following year several thousand inhabitants. The foreign miners' tax gave it a blow, yet in 1856 it had 3,000, with support from a wide circle of camps. Woods Crossing, when the southern mines were first opened

Southward the deposits diminished in quantity and quality. Mariposa county could still boast of valuable

in 1845, had in 1855 over 75 votes. It was overshadowed by Jamestown, the American camp of 1849, which in 1850 aspired to the county seat, and in 1855 had a vote of 300. Northward lay Shaw Flat, once claiming 2,000 inhabitants; Springfield, on Mormon Creek; Gold Springs, noted for its pure gold; Saw Mill Flat, where the bandit Murietta had his headquarters a while; Columbia, which in 1855 polled 974 votes; Yankee Hill, noted for its nuggets, had in 1856 some 400 miners. Jackass Gulch of 1848, was one of the richest. Most of these settlements lay on Woods Creek, which is said to have yielded more gold than any stream of similar size. There were also Brown Flat, Mormon Gulch, and Tuttletown of 1848–9, Montezuma, Chinese Camp, started with Chinese labor and the headquarters of Mongolians, once having 300 votes, Jacksonville, Yorktown, the last three of 1849, Poverty Hill, Algerine, Curtisville, Sullivan's, and Humbug. On the Tuolumne Stevens, Red Mountain, Hawkins', Indian, Texas, Morgan, Don Pedro, and Rodgers were the largest bars in 1850, and still of note in 1855. Southward extended Big Oak Flat, with Garrote 1 and 2. A feature of the county is Table Mountain, a mass of basaltic lava on an average 150 feet thick from 1,200 to 1,800 feet wide and some 30 miles long, which once pouring down the deep bed of an ancient stream, forced the waters aside, and in cooling assumed the serpentine shape of the channel. Meanwhile the ejected waters wore away the banks on either side and left the lava in isolated prominence. Five years passed ere the miners were led by streaks around to discover that the bed of the filled river was immensely rich in coarse gold of a high quality, especially in the Sonora region, for the section extending into Calaveras was less rich. The excitement concerning it arose in 1855, when one claim of 100 feet square was found to have yielded $100,000, and journals vied in presenting glowing estimates. *S. F. Bulletin*, Oct. 19, Dec. 1–5, 17, 1855; Jan. 21, 28, Mar. 5, July 26, 1856; *Nev. Jour.*, Nov. 2, 1855; *Alta Cal.*, Nov. 1, 10–12, 21, Dec. 24, 1855; Jan. 21, Feb. 3, Mar. 16, Nov. 26, 1856; *Sac. Union*, Oct. 29, 1855, etc. Claims were taken up all along the base and on the summit, with consequent conflicts, and tunnels driven in close succession, some reaching a layer of pay dirt several feet in thickness, which produced $20 or more to the pan, others obtaining little or nothing to compensate their costly efforts. Tunnels were also numerous along the auriferous belt, whose rich veins revived the drooping prospects of many a camp. The best yield was at Soulsby, but Jamestown and other points boasted valuable ledges. Bours stumbled upon a vein yielding 50 per cent of gold. *Sac. Transcript*, Feb. 1, 1851. Surface placers, while long sustained, passed in 1855 largely into hydraulic claims, supplied by a number of ditches. The Columbia and Stanislaus were over 40 miles long, and the Tuolumne Big Oak Flat canal was begun in May 1856 for a 75-mile course, costing over $20,000. *S. F. Bulletin*, Jan. 7, Dec. 5, 1856; *Alta Cal.*, July 9, 1853; May 17, 1855; Dec. 30, 1856; *Sac. Union*, Nov. 7, 1854; Apr. 16, 1855; *Tuolumne Directory*, 25, 54, 74, etc. These assisted to maintain a yield which in 1856 was estimated round Sonora alone at from $40,000 to $60,000 weekly. Caldwell's claim at Shaw Flat gave 289 ounces in two days, and Read's 40 lbs in four days. A claim at Middle Bar yielded 30 ounces daily, and at Columbia 4 lbs per week. *Id.*, June 6, 1855, etc.; *Alta Cal.*, Jan. 29, 1853; Jan. 4, 1854; May 2, 1855; Apr. 7, Sept. 22, 1856; *S. F. Bulletin*, Dec. 3, 1855; Mar. 7, Apr. 4, 1856. See also these journals, passim, for local and general accounts. A portion of the Tuolumne wealth extended into the valley country of Stanislaus, where bars were worked for years upon the Stanislaus and the Tuolumne, particularly round Knight Ferry and La Grange, or French Camp, for a time county seat, and very flourishing in 1854–5. San Joaquin county had a similar smaller streak of mining along its eastern border. For particulars, see above general references; and *Alta Cal.*, Dec. 23, 1852; Jan. 19–21, 1853; Feb. 18, 1854; Dec. 22, 1855, etc.; *S. F. Bulletin*, Apr.

surface layers along the Merced and Bear Creek, which attracted a considerable number of diggers, particularly below Horshoe Bend on Merced River, and near Quartzburg; but on the Mariposa, Chowchilla, Fresno, and San Joaquin they diminished to small proportions, disappearing in Tulare county. Beyond this they were again discovered in 1853, and led to the brief Kern River excitement of 1854–5. Bank and gravel claims also faded, with a correspondingly decreasing demand for hydraulic methods. The chief wealth of the section consisted of quartz; and although the mother lode tapers rapidly, it still makes a good display in Mariposa, dividing here into two veins which a number of mines opened. This county is entitled to the distinction of the first discovery of such veins in California, on Fremont's grant, in 1849; but development was obstructed, not only by the early obstacles hampering this branch, but by litigation and lack of energy. Kern River revealed several ledges of value, and above there the Sierra Nevada disclosed a large number, especially of silver, extending into Tulare county and southward; but being less accessible and rich, they had to bide their time. The real silver region lies on the eastern slopes of the Sierra and beyond, in Alpine, Mono, Inyo, and San Bernardino counties, each containing some gold, which in the last named is found also in gravel;[36] but lack of wood and water tended here to discourage early efforts.[37]

4–5, May 10, July 24, 1856; *Sac. Union*, Nov. 4, 1854; Mar. 12, June 18, July 28, Sept. 27, Nov. 5, 1855. Eastward, the auriferous bodies passed into Mono county, beyond the Sierra Nevada, but the limited placers round Monoville were soon exhausted, and elsewhere the prospect was poor. Quartz was, however, in due time to produce activity here. Monoville possessed a ditch of 20 miles.

[36] For allusions to Alpine and Mono, see Amador and Tuolumne sections, to which they belonged in early years.

[37] In Mariposa county, which at first included Fresno and Merced, the shallow, spotted placers were of smaller extent than in Tuolumne; yet the rich discoveries made at times sufficed to attract diggers. Instance reports in *Pac. News*, May 25, June 4, Aug. 23, Oct. 28, 1850; *Cal. Courier*, Oct. 5, 1850; *S. F. Picayune*, Nov. 26, 1850. In Nov. 1851, Bear Valley created an excitement by the report of six persons obtaining $220,000 in four days. At Bear Gulch near Quartzburg, some Mexicans were said to have taken out a

The junction of the Sierra Nevada with the Coast Range, both at the north and at the south, brought

similar amount. *Martin's Narr.*, MS., 54–5. In Drunken Gulch and at Cunningham's rancho near Princeton new ground was opened in 1854, and at Snelling's on the Merced, a river which supplied many profitable races. The section between Horseshoe Bend and Washington Flat was producing largely in 1856, and at Red Banks $20 a day was obtained, yet some made from $100 to $200, mostly in pieces of from 25 cents to $20. Hornitos yielded by lumps, partly of decomposed quartz. Mariposa Creek, worked since 1851, was paying $3 to $4 a day in 1856. Chowchilla, Fresno, and San Joaquin rivers had each their placers. Coarse Gold Gulch, which though prominent in 1851, declined under Indian hostilities; Fine Gold Gulch rose later; Rootville revived under the name of Millerton, and Indian Gulch, Mounts Ophir and Bullion, Agua Frio and Mormon Bar flourished a while. Jamestown, Junction Bluff, and Coulterville stood in high repute. Many details are given in *Mariposa Chronicle*, Dec. 8, 1854, etc.; *Id.*, *Gaz.*, June 27, 1873, etc., with reproduction of early records; *Alta Cal.*, Jan. 16, 1852; Mar. 1, 13, 1854; Apr. 16, Oct. 1, 1855; Jan. 7, 26, July 12, Sept. 13, 22, Oct. 12, Nov. 4, 29, Dec. 27, 1856; *S. F. Bulletin*, Jan. 7, 12, 19, Aug. 5–7, 29, Sept. 13, 20, 26, 1856; Dec. 5, 1854; Oct. 1, 17, 20, Nov. 13, 1855; also 1856, passim. Bank diggings and gravel claims were limited, and consequently tunnelling and hydraulic works, with few ditches. *Alta Cal.*, Mar. 26, Sept. 28, 1856. The valley section, later formed into Merced county, shared in its north-east part in placer mining. The veta madre tapers off in this region, and divides on Fremont's grant into two veins, Pine Tree and Josephine, upon which a number of mines opened in course of time. Princeton was the centre of another group opened in 1852, which at first yielded $75 per ton. The first discovery of California quartz veins was made on Fremont's grant in 1849, the reddish samples yielding 2 ounces to every 25 lbs, as Taylor testifies. *Eldorado*, i. 110–11. Subsequent developments by others showed 6 or 8 lbs to 50 lbs of rocks, and $2,500 to 100 lbs. *Pac. News*, Sept. 7, 1850; *Sac. Transcript*, June 29, Nov. 29, 1850. On Maxwell Creek a bowlder of 124 lbs was literally striped with gold. *Alta Cal.*, July 15, 1851. According to J. Duff, in *Mariposa Gaz.*, Jan. 17, 1873, a quartz-mill, the first in Cal. with steam-engine, was brought by him for Frémont and planted near Mariposa as early as August 1849, but this should probably read 1850; see later about quartz-mills; four other mills were erected in 1850, two by J. Johnson, and the others by Capt. Howard and by I. R. Morris for Com. Stockton. Palmer, Cook, & Co. took charge of Frémont's claim, and uniting with a London company made large profits. The first week's crushing yielded $18,000. *Sac. Transcript*, Jan. 14, Feb. 14, 1851; June 29, 1850. One party sold a vein at Burns for $55,000. Frémont's agent was accused of swindling English capitalists by representing purchased quartz as coming from his Mariposa lead. *Morn. Globe*, Aug. 19, 1856. Litigation interfered with development on this estate; elsewhere rich croppings continued to be found, as at Hornitos and Johnson Flat. Near Mariposa the yield was in 1856 reported at $43 per ton. *Pac. News*, May 15, Oct. 4, 1850, and *Picayune*, May 15, Sept. 7, 1850, allude to numerous lumps from $4,500 downward. The poorest quartz veins yield $120 per ton. *Alta Cal.*, Jan. 3, Feb. 20, 1854; Dec. 13, 1856; *Sac. Union*, Feb. 5, 28, May 4, 1855; *S. F. Bulletin*, Jan. 7, Aug. 25, 1856, etc.; *Hist. Fresno Co.*, 87–9, 187, etc.; *Hist. Merced Co.*, 86, etc. Southward no placer deposits of any note were found till 1853–4, when Kern River revealed specimens, including lumps, one of 42 ounces, which soon produced the Kern River excitement. This was wholly overdone, for the deposits proved limited in extent. A few parties made from $16 to $60 daily, others were content with $5 to $8, but the majority failed to obtain satisfactory returns. The quality was also inferior, assaying only $14 per ounce. The discovery was made by immigrants. *Bakersfield South. Cal.*, June 8, Nov. 23, 1876, etc.; *South. Cal.*, Dec. 7, 1854; *Fresno Expositor*, June 22, 1870;

the auriferous strata nearer to the ocean, although in greatly attenuated form. It was this approximation in the south that led to the first discovery of gold in California, in Los Angeles county, as explained elsewhere. After being long neglected for the richer slopes of the Sierra, this region again received attention, and with improved methods the limited placers were made to yield fair profits. The chief result was the revelation of valuable quartz leads, extending into San Diego county, upon which a number of mines opened in later years. Northward the coast counties presented only slight scattered indications of gold, which, however, unfolded in Santa Cruz, along the San Lorenzo, into a limited placer and quartz field, and later attracted a certain attention in Marin county. Beyond this another barren expanse intervened till the approach once more of the auriferous Sierra Nevada became apparent in the rich earth and rock of Trinity and adjoining counties. Yet the central coast region was not devoid of mineral wealth. It contained some coal, the leading quicksilver mine of the world, and other metals, consonant with the solfataric nature of the determining range, the proper

Havilah Courier, Sept. 8, 1866; *Sac. Union*, Dec. 1854–May 1855; *Alta Cal.*, id., and scattered items in later numbers; *Hayes' Angeles*, ii. 102–8, 258, 272; *Id., Mining*, v. 122–42 There had been a rush in 1851 to Kern. *Alta Cal.*, July 22, 1851. The deposits led to more encouraging quartz lodes, at Whiskey Flat, later Kernville, Keysville, Havilah, etc.; for which mills began to be erected. While not extensive, the veins have proved rich, some assaying at 16 cents per lb. *S. F. Bulletin*, Dec. 26, 1855; *Alta Cal.*, Oct. 20, 1855; Mar. 31, 1856, etc.; *Hist. Kern Co.*, 101, 110–13, 151. High in the Sierra were more extensive indications, chiefly of silver, whereof Tulare county had her share, but being less rich and accessible they had to bide their time. Above the water line the ores were easy to reduce, but not so the main sulphureted bodies below. On Clear Creek, in Tulare, the veins were from 2 to 6 feet thick. East of the Sierra the regular silver district was about to unfold in Inyo county in Panamint Mountains, near the main deflection of the Amargoso at Mojave desert, and at Lone Pine along the west base of Inyo Mts, the latter with much gold, and assaying $100 to $300 per ton. The lack of wood and water together with hostile Indians were here serious obstacles, which applied also to San Bernardino county, wherein the continuation of these leads extended. Here a limited placer field with gravel was found at Lytte Creek, which awaited ditches for thorough working. Soulé penetrated to the Amargoso in 1850, found rich specimens, formed a company, but spent money in vain. *Stat.*, MS., 3–4. Others tried and failed. *Sac. Transcript*, Nov. 29, 1850; *Hayes' Mining*, v. 111–22; *Alta Cal.*, Aug. 26, 1852; *Sac. Union*. Jan. 18, Oct. 12, Nov. 14, 1855.

development of which pertains to the period covered by my next volume.[38]

[38] In 1851 several slight excitements were stirred up by prospectors in the coast region, and in Los Angeles the old San Fernando field was reopened. *Sac. Transcript*, Feb. 14, 1851; *Hayes' Mining*, v. 110–20; *Janssen, Vida*, MS., 221. In 1854 Santa Anita received a rush; the gravel claims of San Gabriel Cañon were then worked with moderate success, encouraging the construction of ditches, and subsequently quartz was developed of promising quality, the region round Soledad Pass revealing silver. *Alta Cal.*, Feb. 19–22, 1854; Dec. 29, 1856; *Sac. Union*, Jan. 10, Mar. 28, Apr. 18, May 9, 1855; *Hayes' Mining*, v. 116–20, 143, et seq.; *L. A. Eve. Express*, May 29, 1872. In 1856 Sta Catalina Island was found to contain veins, which it was in later times proposed to open. *S. F. Bulletin*, June 12, 1856; *L. A. Herald*, Dec. 23, 1874. San Diego also gave indications which in later times led to the opening of several veins. *Alta Cal.*, March 19, 1855; *Hayes' S. Diego*, i. 94. North of Los Angeles the prospect faded, with small indications in Sta Bárbara and Ventura, *S. F. Bulletin*, Oct. 15, 1855; and with very limited developments in later years in S. Luis Obispo. *Hist. S. L. Ob. Co.*, 248–53. In Santa Cruz, however, both ledges and placers were revealed which gave employment to a small number of men. The padres are supposed to have known of their existence, but kept it secret. In 1851 Anson discovered placers on Guadalupe Creek, but yielding only $3 or $4 a day, they were neglected till 1853, *Placer Times*, June 27, 1853, when remunerative spots were found also on S. Lorenzo Creek. *Alta Cal.*, July 29, 1853. Trask, *Geol.*, pointed to auriferous signs from Soquel to Point Año Nuevo. In 1854 a rich bowlder was found on Graham Creek. In 1855 Gold Gulch on the San Lorenzo yielded from $3 to $10 a day, and lasted for several years. Quartz was also found, and a large number of companies took up claims; but the first promise was not sustained. *Hayes' Mining*, 399–403; *Sac. Union*, July 21, Nov. 7, 1855; *S. F. Bulletin*, June 19, 1856. Attempts were also made at beach mining. In Monterey county a ripple was created by a placer at Pacheco Pass, which for a brief period yielded from $5 to $9 a day. *Sac. Transcript*, Feb. 14, 28, 1851; *S. F. Picayune*, Jan. 26, 1851. In 1855–6 San Antonio Creek attracted attention with a yield of $3 to $5 a day, and occasional richer developments; also Cow Creek. *Sac. Union*, March 23, June 20, Nov. 17, 1855; Apr. 23, 1856; *Alta Cal.*, Mar. 21, 1855. Feb. 7, Apr. 21, 1856; *Hist. Mont. Co.*, 95; *S. F. Bulletin*, Feb. 7, 1856. Rumors of placers near the southern end of S. F. Bay, even around Oakland and Mount Diablo, floated at one time. *Sac. Transcript*, June 29, 1850; *Sac. Union*, Feb. 7, 1856; *Hittell, Mining*, 27; and San Francisco had indications on Telegraph Hill. *Annals S. F.*, 417–18; leakages from miners' bags caused once or twice a scramble at the plaza, *Taylor's Eldorado*, ii. 60–1; and Bernal Heights gave food for vain excitements in later years. In Marin county a little mining was done in later years. *Hist. Marin Co.*, 288, 311, 378–82; and on the Russian River some indications lured to unsuccessful attempts. T. M. Smyth obtained a little dust from Dry Creek. *Russian R. Flag.*, Jan. 22, 1874; *Alta Cal.*, Sept. 20, 1853; Apr. 6–7, 1855; *Sac. Union*, May 30, 1855; signs at Bodega, *Hist. Sonoma Co.*, 29–38; and in Colusa. *Colusa Co. Annual*, 1878, 46. Equally feeble were the prospects in Mendocino, but in the adjoining Trinity county the auriferous Sierra Nevada again revealed itself.

CHAPTER XV

GEOLOGICAL AND SOCIAL ANATOMY OF THE MINES.

1848-1856.

Physical Formation of the California Valley—The Three Geologic Belts—Physical Aspect of the Gold Regions—Geologic Formations—Indications that Influence the Prospector—Origin of Rushes and Camps—Society along the Foothills—Hut and Camp Life—Sunday in the Mines—Catalogue of California Mining Rushes—Mariposa, Kern, Ocean Beach, Nevada, Gold Lake, Lost Cabin, Gold Bluff, Siskiyou, Sonora, Australia, Fraser River, Nevada, Colorado, and the Rest—Mining Laws and Regulations—Mining Tax—Discrimination against Foreigners.

The largest and most important section of California, between latitudes 35° and 41°, may be divided into three geological as well as physical belts, beginning at the main axial line drawn from Mount Shasta through the leading summit peaks of the Sierra Nevada for nearly 500 miles. The limit of the first belt would be a line 50 miles westward along the edge of the foothills, touching at Red Bluff and Visalia. The next belt, of equal width, would be bounded by the eastern edge of the Coast Range, and the third belt by the coast line.[1] A fourth belt may be added, which, extending eastward from the Sierra summit, falls partly within Nevada, and covers a series of lakes, arid depressions, and tracts marked by volcanic convulsions. South of the great valley, where the united ranges subdivide into low and straggling elevations,

[1] Prof. Whitney, upon whose *Geol. Survey of Cal.*, i. 2 et seq., I base these observations, makes the belts 55 miles wide, and adds a fourth, eastward from the Sierra crest. The zonal parallelism of the metals in these belts was first observed by Prof. Blake.

this belt supplants it with vast deserts, the topography of which is as yet obscure, like that of the confused mountain masses of the northern border.

The second and third belts embrace the agricultural districts, with the broad level of the California valley; yet they contain a certain amount of mineral deposits. Solfataric action is still marked in the Coast Range, especially in the hot springs of the Clear Lake region. Its rocks are as a rule sandstones, shales, and slates of cretaceous and tertiary formations, with a proportion of limestone, granite being rare except in the south. The metamorphism of the sedimentary beds, chiefly chemical, is so prevalent as to render the distinction of eruptive rocks difficult. Most striking is the vast transformation of slates into serpentines, and partly into jaspers, the combination of which indicate the presence of valuable cinnabar bodies. In the sandstones of these cretaceous formations occur all the important coal beds so far discovered. The tertiary strata, chiefly miocene of marine source, but little changed, begin properly south of Clear Lake and assume importance below Carquinez, where they appear much tilted. South of latitude 35° bituminous slate predominates in the shale overlying the coarse sandstone, and contains deposits of superficial asphaltum, with promising indications of flowing petroleum. Below Los Angeles the rocks acquire more of the crystalline character of the Sierra Nevada, and in the Temescal range, with its granite, porphyry, and metamorphic sandstone, tin ore has been found. Along the San Gabriel range gold exists; but while pliocene gravels are frequent enough along the Coast Range, the metal seldom occurs in paying quantities.

The gold region is practically confined to the first belt, along the west slopes of the Sierra Nevada, intersected by nearly parallel rivers, and broken by deep cañons. An intrusive core of granite forms the central feature, which becomes gradually more exposed and extensive, till, in latitude 36–7°, it reaches almost

from crest to plain. The core is flanked by metamorphic slates of triassic and jurassic age, much tilted, often vertical, the strike being generally parallel with the axis of the range, and in the south dipping toward the east. This so-called auriferous slate formation consists of metamorphic, crystalline, argillaceous, chloritic, and talcose slates. In the extreme north-west it appears with though subordinate to granite. Gradually it gains in importance as the superimposed lava in Butte and Plumas counties decreases, and north of the American River it expands over nearly the entire slope; but after this it again contracts, especially south of Mariposa; beyond the junction of the ranges it reappears in connection with granite. To the same formation are confined the payable veins of gold quartz,[2] chiefly in the vicinity of crystalline and eruptive rocks. They vary in thickness from a line to twoscore feet or more, and follow a course which usually coincides with that of the mountain chain, that is, north-northwest with a steep dip eastward.[3] The most remarkable vein is the extensive mother lode of the Sierra Nevada, which has been traced for over 60 miles from the Cosumnes to Mariposa.[4]

The slate formation is covered by cretaceous, tertiary, and post-tertiary deposits, of which the marine sedimentary, chiefly soft sandstone, made up of granite débris, occurs all along the foothills, conspicuously in Kern county. The lava region extends through Plumas and Butte northward round the volcanic cones headed by mounts Lassen and Shasta, whose overflows have

[2] The quartz occurs in granite, and in the Coast Range, but rarely in paying quantities.

[3] The richer streak along the footwall, or in the lower side of the lode, is often the only payable part. Sometimes a lode contains streaks of different qualities and appearance. According to Marcon, *Geol.*, 82, the richest veins of California are found where sienitic granite and trap meet. Branches and offsets often cut through the slate beds at considerable angles.

[4] It runs south-east, while veins in the Sacramento valley turn more nearly north and south. Its dip is 45° to the north-east. The white quartz is divided into a multitude of seams, with gray and brown discoloration, and with small proportions of iron, lead, and other metals. The accompanying side veins contain the rich deposits. *Blakeslee.* The width may average 30 feet, the thickness from 2 to 16 feet, though deepening to many rods.

hidden the gold formation of so large an area. The wide-spread deposits of gravel are attributed to a system of tertiary rivers long since filled up and dead, which ran in nearly the same direction as the present streams, and with greater slope and wider channels. Eroding the auriferous slates and their quartz veins, these river currents spread the detritus in deposits varying from fine clay and sand to rolled pebbles, and bowlders weighing several tons, and extending from perhaps 300 or 400 feet in width at the bottom to several thousand feet at the top, and from a depth of a few inches to 600 or 700 feet. The whole mass is permeated with gold,[5] the larger lumps remaining near their source, while the finer particles were carried along for miles.[6] The most remarkable of these gravel currents is the Dead Blue River, so called from the bluish color of the sand mixed with the pebbles and bowlders, which runs parallel to the Sacramento some fifty miles eastward, with an average width of a quarter of a mile.[7] The depth of detritus averages three hundred feet, and is very rich in the lower parts, where the débris is coarser and full of quartz. Although the so-called pay dirt, or remunerative stratum, lies in alluvial deposits nearly always within ten feet of the bedrock, and frequently permeates this for a foot or so in the slate formations, yet the top layers often contain

[5] Fossil wood and animals are found here, and occasionally layers of lava and tufa often sedimentary, and some superimposed, others in alternation. The deposits at La Grange, Stanislaus, in a distance of 1½ miles cross 4 widely varying formations, with elephant remains embedded. Some of these dead rivers present peculiar features; instance the Tuolumne table mountain, 30 miles long by half a mile in width, which consists of a lava flow upon the rich gravel of an ancient river-bed. The waters forced aside by this flow washed away the banks on either side, leaving the lava isolated above the surrounding soil, with steep sides and a bare level top.

[6] The smaller and smoother the gold, so the gravel, and nearer the bottom lands.

[7] The driftwood in it, the course of the tributary gravel currents, the position of the bowlders, etc., indicate a stream, and one of mighty force, to judge by the size of the bowlders; yet some scientists object to the river-bed theory. A line of towns stands along its course through Sierra and Placer counties, 65 miles, which shows a descent from 4,700 to 2,700 feet, or 37 feet per mile. But subterranean upheavals may have effected it. North of Sierra county it is covered by lava, and south of Placer it has been washed away or covered by later alluvium.

gold in payable quantities, even in the upper portions of high banks, which can be washed by cheap hydraulic process.[8]

The miners were a nomadic race, with prospectors for advance guard. Prospecting, the search for new gold-fields, was partly compulsory, for the over-crowded camp or district obliged the new-comer to pass onward, or a claim worked out left no alternative. But in early days the incentive lay greatly in the cravings of a feverish imagination, excited by fanciful camp-fire tales of huge ledges and glittering nuggets, the sources of these bare sprinkling of precious metals which cost so much toil to collect. Distance assists to conjure up mirages of ever-increasing enchantment, encircled by the romance of adventure, until growing unrest makes hitherto well-yielding and valued claims seem unworthy of attention, and drives the holder forth to rove. He bakes bread for the requirements of several days, takes a little salt, and the cheering flask, and with cup and pan, pick and shovel attached to the

[8] Fine gold has frequently been found in grass roots, as observed also in *Walsh's Brazil*, ii. 122. At Bath a stratum 100 feet above the bed-rock was drifted profitably, and the top dirt subsequently washed by hydraulic method. In Nevada county the bulk of pay dirt is within 30 feet of the bottom. The deposits at French Hill, Stanislaus, show that an undulating bed-rock gathers richer dirt, yet in certain currents bars and points catch the gold rather than pools and bends, as proved also in Australia. *Gold Fields of Victoria*, 134. The sand layers of the Sierra Nevada drifts contain little gold. In the gravel strata at Malakoff, Nevada county, a shaft of 200 feet yielded from 2.9 to 3.8 cents per cubic yard from the first 120 feet, from the remainder 32.9 cents, the last 8 feet producing from 5 to 20 cents per pan. *Bowie's Hydraulic Mining*, 74–5. There are also instances of richer strata lying some distance above a poor bed-rock. The dead rivers are richer in gold than the present streams, and when these have cut through the former they at once reveal greater wealth. In addition to *Cal. Geol. Survey*, see *Browne's Min. Res.*. 1867; *Whitney's Aurif. Gravels*, 516, etc.; *Laur. Gisement de l'Or. Cal.*, *Ann. des Mines*, iii. 412, etc.; *Silliman's Deep Placers; Phillip's Mining*, 37 et seq.; *Bowie's Hydraul. Mining*, 53 et seq.; *Hittell's Mining*, 66 et seq.; *Balch's Mines*, 159 et seq.; *Trask's Geol. of Coast Mts*, 42–68; *Hayes' Mining*, v. 393, 398; ix. 6 et seq.; *Cal. Jour. Sen.*, 1853, ap. 59; 1856, ap. 14; *Sac. Union*, Mar. 12, 27–9, Aug. 10, Oct. 13, 27, 1855; *Tyson's Geol. Cal.; Cal. Geol. Survey, Rept Com.*, 1852. Blake, in *Pac. R. R. Rept*, v. 217 etc., classified the placers as coarse bowlder-like drifts, river drifts, or coarse alluvium, alluvial deposits on flats and locustrine deposits made at the bottom of former lakes, all of which have been greatly changed by upheavals, transformed river systems, and the erosion of currents. Additional geologic points are given in connection with the districts and counties.

blanket strapped to his back, he sallies forth, a trusty rifle in hand for defence and for providing meat. If well off he transfers the increased burden to a pack-animal; but as often he may be obliged to eke it out with effects borrowed from a confiding friend or store-keeper.[9]

Following a line parallel to the range, northward or south, across ridges and ravines, through dark gorges, or up some rushing stream, at one time he is seized with a consciousness of slumbering nuggets beneath his feet, at another he is impelled onward to seek the parent mass; but prudence prevails upon him not to neglect the indications of experience, the hypothetical watercourses and their confluences in dry tracts, the undisturbed bars of the living streams, where its eddies have thrown up sand and gravel, the softly rounded gravel-bearing hill, the crevices of exposed rocks, or the out-cropping quartz veins along the bank and hillside. Often the revelation comes by accident, which upsets sober-minded calculation; for where a child may stumble upon pounds of metal, human nature can hardly be content to toil for a pitiful ounce.

Rumors of success are quickly started, despite all care by the finder to keep a discovery secret, at least for a time. The compulsion to replenish the larder is sufficient to point the trail, and the fox-hound's scent for its prey is not keener than that of the miner for gold. One report starts another; and some morning an encampment is roused by files of men hurrying away across the ridge to new-found treasures.

Then springs up a camp of leafy arbors, brush huts, and peaked tents, in bold relief upon the naked bar, dotting the hillside in picturesque confusion, or nestling

[9] In *Valle, Doc.*, 72 et seq., are several agreements for repayment of outfits and advances in money or in shares of the expected discoveries. Advice for outfits in *Placer Times* and *Alta Cal.*, Aug. 2, 1849. Wheaton, *Stat.*, MS., 9, and other pioneers testify to the honesty with which such loans were repaid. Later the 'tenderfoot,' or new-comer, would be greeted by weather-beaten and dilapidated prospectors who offered to find him a dozen good claims if provided with a 'grub-stake,' that is, an outfit of provisions and tools.

beneath the foliage. The sounds of crowbar and pick reëcho from the cliffs, and roll off upon the breeze mingled with the hum of voices from bronzed and hairy men, who delve into the banks and hill-slope, coyote into the mountain side, burrow in the gloom of tunnels and shafts, and breast the river currents. Soon drill and blast increase the din; flumes and ditches creep along the cañon walls to turn great wheels and creaking pumps. Over the ridges come the mule trains, winding to the jingle of the leader's bell and the shouts of arrieros, with fresh wanderers in the wake, bringing supplies and consumers for the stores, drinking-saloons, and hotels that form the solitary main street. Here is the valve for the pent-up spirit of the toilers, lured nightly by the illumined canvas walls, and the boisterous mirth of revellers, noisy, oath-breathing, and shaggy; the richer the more dissolute, yet as a rule good-natured and law-abiding.[10] The chief cause for trouble lay in the cup, for the general display of arms served to awe criminals by the intimation of summary punishment; yet theft found a certain encouragement in the ease of escape among the ever-moving crowds, with little prospect of pursuit by pre-occupied miners.[11]

The great gathering in the main street was on Sundays, when after a restful morning, though unbroken by the peal of church bells, the miners gathered from hills and ravines for miles around for marketing and relaxation. It was the harvest day for the gamblers, who raked in regularly the weekly earnings of the improvident, and then sent them to the store for credit to work out another gambling stake. Drinking-

[10] Conspicuous arms add to the unfavorable impression of language and appearance, 'but strange to say, I never saw a more orderly congregation, or such good behavior in such bad company,' writes Coke, *Ride*, 360. Gov. Riley reported in similar commendatory strains. *U. S. Gov. Doc.*, Cong. 31, Sess. 1, H. Ex. Doc. 17, p. 786–9. Borthwick, *Cal.*, 171–4, found camp hotels in 1851 charging from $12 to $15 per week. Meals were served at a long table, for which there was generally a scramble. With 1850 crockery, table-cloths, and other signs of refinement began to appear. *Delano's Life*, 290.

[11] See the testimony of Borthwick, 63, Randolph, *Stat.*, MS., 10, and others, and details of crime in my *Popular Tribunals*, i. 143, 435, 521–3, 586, etc.

saloons were crowded all day, drawing pinch after pinch of gold-dust from the buck-skin bags of the miners, who felt lonely if they could not share their gains with bar-keepers as well as friends. And enough there were of these to drain their purses and sustain their rags. Besides the gambler, whose abundance of means, leisure, and self-possession gave him an influence second in this respect only to that of the store-keeper, the general referee, adviser, and provider, there was the bully, who generally boasted of his prowess as a scalp-hunter and duellist with fist or pistol, and whose following of reckless loafers acquired for him an unenviable power in the less reputable camps, which at times extended to terrorism.[12] His opposite was the effeminate dandy, whose regard for dress seldom reconciled him to the rough shirt, sash-bound, tucked pantaloons, awry boots, and slouchy bespattered hat of the honest, unshaved miner, and whose gingerly handling of implements bespoke an equal consideration for his hands and back. Midway stood the somewhat turbulent Irishman, ever atoning for his weakness by an infectious humor; the rotund Dutchman ready to join in the laugh raised at his own expense; the rollicking sailor, widely esteemed as a favorite of fortune. This reputation was allowed also to the Hispano Californians, and tended here to create the prejudice which fostered their clannishness.[13] Around flitted Indians, some half-naked, others in gaudy and ill-assorted covering, cast-off like themselves, and fit subjects for the priests and deacons, who, after preaching long and fervently against the root of evil, had come to tear it out by hand.[14]

[12] Borthwick, *Cal.*, 134, makes most of these ruffians western border men. Lambertie, *Voy.*, 259, declaims against the roughness and brutal egotism of certain classes of Americans.

[13] Letts, *Cal.*, 103-4, remarks on the luck attending sailors, etc. Military deserters abounded. Riley appealed to people to aid in restoring deserters from the war and merchant vessels, partly to insure greater protection and cheapness. *S. D. Arch.*, iv. 349; *Willey's Mem.*, 86; *Carson's Rec.*, 17-19; *Revere's Keel*, 16-24; *Unbound Doc.*, 327-8; *Fisher's Cal.*, 42-9; *Barry and Patten's Men*, 263, 287-98, with comments on Spanish American traits.

[14] Their open-air meetings attracted some by their novelty, others as a means for easy penance.

On week days dulness settled upon the camp, and life was distributed among clusters of tents and huts, some of them sanctified by the presence of woman,[15] as indicated by the garden patch with flowers. For winter, log and clapboard houses replaced to a great extent the unstable tents and brush huts,[16] although frequently left with sodded floor, bark roof, and a split log for the door. The interior was scantily provided with a fixed frame of sticks supporting a stretched canvas bed, or bolster of leaves and straw. A similarly rooted table was at times supplemented by an old chest, with a bench or blocks of wood for seats. A shelf with some dingy books and papers, a broken mirror and newspaper illustrations adorned the walls, and at one end gaped a rude hearth of stones and mud, with its indispensable frying-pan and pot, and in the corner a flour-bag, a keg or two, and some cans with preserved food. The disorder indicated a batchelor's quarters, the trusty rifle and the indispensable flask and tobacco at times playing hide and seek in the scattered rubbish.[17]

The inmates were early astir, and the cabin stood deserted throughout the day, save when some friend or wanderer might enter its unlocked precincts, welcome to its comforts, or when the owners could afford to return for a siesta during the midday heat.[18] Toward sunset the miners came filing back along the ravines, gathering sticks for the kitchen fire, and merrily speeding their halloos along the cliffs, whatsoever may have been the fortune of the day. If several belonged to the mess, each took his turn as cook,

[15] Not a few joined their husbands in gold-washing. *Cal. Courier*, Dec. 7, 1850; *Grass Val. Directory*, 1856, 44; *Burnett's Rec.*, MS., ii. 150–3; *S. J. Pioneer*, Nov. 23, 1878; *Santa Rosa Democ.*, Aug. 29, 1876.

[16] The latter made of four corner posts covered with leafy brushwood, the sides at times with basket-work filling. Others erected a sort of brush tent with a ridge-pole upheld at one end by a tree and supporting sloping sticks upon which the brush was piled.

[17] The kitchen fire was in summer as often kindled beneath a tree, in the smoke of which dangled the ham bone. No sooner was a cabin erected than a large black species of rat nestled beneath it, to make raids on food and clothing.

[18] We returned to work at 3 P. M. *Wheaton's Stat.*, MS., 6.

and preceded the rest to prepare the simple food of salt pork and beans, perhaps a chop or steak, tea or coffee, and the bread or flapjack, the former baked with saleratus, the latter consisting of mere flour and water and a pinch of salt, mixed in the gold-pan and fried with some grease.[19] Many a solitary miner devoted Sunday to prepare supplies of bread and coffee for the week. Exhausted nature joined with custom in sustaining a change of routine for this day,[20] and here it became one for renovation, bodily and mental, foremost in mending and washing, brushing up the cabin, and preparing for the coming week's campaign, then for recreation at the village. Every evening also, the camp fire, replenished by the cook, drew convivial souls to feast on startling tales or yarns of treasure-troves, on merry songs with pan and kettle accompaniment, on the varying fortunes of the cards. A few found greater interest in a book, and others, lulled by the hum around, sank into reverie of home and boyhood scenes.

The young and unmated could not fail to find allurement in this free and bracing life, with its nature environment, devoid of conventionalisms and fettering artificiality, with its appeal to the roving instinct and love of adventure, and its fascinating vistas of enrichment. Little mattered to them occasional privations[21] and exposure, which were generally self-imposed and soon forgotten midst the excitement of gold-hunting. Even sickness passed out of mind like a fleeting night-

[19] The Australian 'damper,' formed by baking the dough beneath a thick layer of hot ashes, prevailed to some extent. While heavy, it retained an appetizing moisture for several days. Americans preferred to use saleratus, for which sedlitz and other powders were at times substituted. *Low's Stat.*, MS., 3–4. The flapjack was also roasted by placing the pan upright before the fire. *Borthwick's Cal.*, 152–6; *Helper's Land*, 156–7. Coffee could be ground by crushing a small bagful between stones.

[20] Perry, *Travels*, 90–1, observes that fines were sometimes good-humoredly exacted from workers on this day. In some districts a briefer season converted Sunday into a cleaning-up day, when the sluice washing was panned out. There were no laundries in the camps, and had there been their prices would not have suited the miner.

[21] With scanty supplies, as when rain or snow held back the trains. *Pac. News*, Dec. 22, 1849; *Armstrong's Explor.*, MS., 13.

mare.[22] And so they kept on in pursuit of the will-o'-the-wisp of their fancy, neglecting moderate prospects from which prudent men were constantly getting a competency, at times alighting upon a little 'pile,' which too small for the rising expectation was lavishly squandered, at times descending to wage-working for relief. Thus they drifted along in semi-beggary, from snow-clad ranges to burning plain, brave and hardy, gay and careless, till lonely age crept up to confine them to some ruined hamlet, emblematic of their shattered hopes—to find an unnoticed grave in the auriferous soil which they had loved too well.[23] Shrewder men with better directed energy took what fortune gave, or combining with others for vast enterprises, in tunnels and ditches, hydraulic and quartz mining,[24] then turning, with declining prospects, to different pursuits to aid in unfolding latent resources, introducing new industries, and adding their quota to progress, throwing aside with a roaming life the loose habits of dress and manner. This was the American adaptability and self-reliance which, though preferring independence of action, could organize and fraternize with true spirit, could build up the greatest of mining commonwealths, give laws to distant states, import fresh impulse to the world's commerce, and foster the development of resources and industries throughout the Pacific.[25]

[22] Nature and causes in the chapters on society and population. See also *Rivere's Keel*, 251–4; *Carson's Rec.*, 39; *Brooks' Four Mo.*, 183. Buffum, *Six Mo.*, 97, refers to early scurvy from lack of vegetables and acids. *Burnett's Rec.*, MS., ii. 237; *Alta Cal.*, Dec. 15, 1849; *Colton's Three Years*, 339.

[23] The incident of finding a corpse on Feather River, and by its side a plate with the inscription, 'Deserted by my friends, but not by God'—*Cal., Misc. Hist. Pap.*, 26, p. 10—applies to many of these Wandering Jews of the gold region. Parsons, *Life of Marshall*, 157–61, gives a characteristic sketch of a miner's burial. Woods, *Pioneer*, 108, tells of a miner crazed by good fortune. The habit of Americans to 'rap-dement dépunser l'or qûils recueillent' is a blessing as compared with the hoarding of the Russians, observes the *Revue des Deux Mondes*, Feb. 1, 1849.

[24] It is a not uncommon story where the poor holders of a promising claim divided forces, some to earn money as wage-workers wherewith to supply means for the rest to develop the mines.

[25] From Chile to Alaska, from the Amur to Australia. For traits, see *Bonwick's Mormons*, 350–1, 370–1, 379, 391: *Hutchings' Mag.*, i. 218, 340; iii. 343, 469, 506–19; iv. 452, 497; *King's Mountaineering*, 285; *Buffum* and *Brooks*,

The broader effect of prospecting, in opening new fields, was attended by the peculiar excitement known as rushes, for which Californians evinced a remarkable tendency, possessed as they were by an excitable temperament and love of change, with a propensity for speculation. This spirit, indeed, had guided them on the journey to the distant shores of the Pacific, and perhaps one step farther might bring them to the glittering goal. The discoveries made almost every day around them were so interesting as to render any tale of gold credible. An effervescing society, whose day's work was but a wager against the hidden treasure of nature, was readily excited by every breeze of rumor. Even men with valuable claims, yielding perhaps $20 or $40 a day, would be seized by the vision and follow it, in hopes of still greater returns. Others had exhausted their working-ground, or lay under enforced inactivity for lack or excess of water, according to the nature of the field, and were consequently prepared to join the current of less fortunate adventurers.[26]

So that the phenomenon of men rushing hither and thither for gold was constant enough within the districts to keep the population ever ready to assist in extending the field beyond them. The Mariposa region received an influx in 1849,[27] which two years later flitted into Kern, yet left no impression to guard against the great Kern River excitement of 1855, when the state was disturbed by the movement of

passim; *Merrill's Stat.*, MS., 5, 10; *Cassin's Stat.*, MS., 18; *Miscel. Stat.*, MS., 10, etc.; *Wide West*, Jan. 1855; *Pioneer Mag.*, i. 273, 347; *Capron's Cal.*, 236; *S. F. Bulletin*, Jan. 4, 1858; *Borthwick's Cal.*, passim; *Polynesian*, vi. 78, 82; *St Amant, Voy.*, 575-9; *Overland*, May 1872, 457-8; xiv. 321-8; *Northern Enterprise*, March 20, 1874; *Nouv. Annales Voy.*, cxxix. 121-4, 225-46; *Kip's Cal. Sketches*, 36-52. Frignet, *Cal.*, 109, comments on the absence of organizations among Europeans and Spanish Americans for great enterprises. *Woodward's Stat.*, MS., 3-38, and *Tyler's Bidwell's Bar*, MS., 5-8, contain personal reminiscences of mining life.

[26] Ignorance of geologic laws fostered a belief in a vast mother lode, perhaps deposited by a volcanic eruption, from which the metal could be shovelled or chiselled off by the cart-load. Instances of theories in *Woods' Pioneer*, 64-5; *Dean's Stat.*, MS., 3; *Buffum's Six Mo.*, 74-5; *Simpson's Cal.*, 11-13; *Overland Mo.*, i. 141; *Hayes' Mining*, i. 86.

[27] *Carson's Recol.*, 9

nearly 5,000 disappointed fortune-hunters.[28] An examination of the encircling ranges led to more or less successful descents upon Walker River and other diggings,[29] which served to build up the counties of Mono, Inyo, and San Bernardino,[30] while several smaller detachments of miners at different periods startled the staid old coast counties, from Los Angeles to Monterey and Sonoma, with delusive statements based on faint auriferous traces. Eastward the fickle enchantress led her train on a wild-goose chase to Truckee Lake,[31] in 1849, and in the following year she raised a mirage in the form of a silver mountain,[32] while opening the gate at Carson Valley to Nevada's silver land, which was occupied by the multitude in 1860 and the following years. The same eventful 1850 saw considerable northern extensions arising from the Gold Lake fiction, which drew a vast crowd toward the headwaters of Feather River. Although the gold-lined lake presented itself, a fair compensation was offered at the rich bars of the stream.[33] Another

[28] The disappointing rush of 1851 sought for Kern under the Rio Blanco of Indian reports. *Alta Cal.*, July 22, 1851. In 1853 a flutter occurred here. *Visalia Delta*, Aug. 6, 1874; *Dean's Stat.*, MS., 15. Yet the rush of 1855 proved not wholly a delusion.

[29] Denounced by the *Placerville Index* and *S. F. Bulletin*, May 27, 1858.

[30] Entries had been made here already in 1850. *Sac. Transcript*, Nov. 29, 1850; *Soulé's Stat.*, MS., 3–4. In 1858 an exploring party found diggers in different parts of the Sierra, on the way from Los Angeles to Mono. *S. F. Bulletin*, Sept. 15, 1858.

[31] Based on the stories of one Greenwood, about gold pebbles on its strand. Six weeks of hardships rewarded the expedition.

[32] Through the instrumentality of Redmond of Stockton, who led 24 men by the Tulare Valley in Nov. 1850. Account in *Alta Cal.*, Jan. 27, 1850. Yet Carson Valley was opened successfully this year. *Pac. News*, Aug. 21, Oct. 10, 1850.

[33] Notably Nelson Creek. *Alta Cal.*, June 13–14, July 1, 1850, and contemporaries described the excitement, especially at Marysville, and the depopulation of many camps. It had been started by one Stoddard on the vague stories of others, and he narrowly escaped lynching at the hands of his disappointed party. *Kane's Stat.*, *Miscel. Stat.*, MS., 9–10; *Delano's Life*, 332–3; *Ballou's Adven.*, MS., 25; *Overland*, xiv. 324. Versions of the story vary, as in *S. F. Bulletin*, July 20, 1858; Feb. 20, 1880; *Nevada D. Gaz.*, June 26, 1866; *Shasta Courier*, March 31, 1886, which latter states that Greenwood had once lived on the lake, where his children played with the nuggets. He died before the searching party started, but a negro overheard their plan and profited by it. *Mt Messenger*, of July 1865, and Oct. 4, 1873, identified the lake with a spot 12 miles from Downieville; but contemporary accounts show that diggers on the North Fork were then looking toward Feather River for it, as the *Territ. Enterprise*, of July 1865, points out, in refutation of the *Messenger*.

widely current story placed the once fabulously rich mine of 1850, known as the Lost Cabin, in the region of the upper Sacramento or McLeod River, and kept hundreds on a mad chase for years.[34] North-eastward on the overland route a party of emigrants of 1850 invested Black Rock with a silver-spouting volcano, although long searches failed to reveal anything better than obsidian.[35] More stupendous was the Gold Bluff excitement of 1850–1, an issue of the chimerical expedition to Trinidad Bay,[36] the originators of which blazoned before San Francisco that millions' worth of gold lay ready-washed upon the ocean beach, disintegrated by waves from the speckled bluffs. The difficulty was to wrest from the sand the little gold actually discovered.[37] Some of the deluded parties joined in the recent Trinity River movement, and participated in the upper Klamath rush, which in its turn led to developments on Umpqua and Rogue rivers.[38]

In this way the extreme borders of California were early made known, and restless dreamers began to

A new gold lake was sought in 1851 by a party from Downieville, guided by Deloreaux. Some of the deluded ones opened Forest City Diggings. *Hittell's Mining*, 25–6.

[34] Two brothers had worked it until the Indians killed one and drove the other with his tale to the valley. *Bristow's Rencounters*, MS., 9–10. Another version ascribes it to Joaq. Miller and a brother of Gov. McDougal. *Vallejo Recorder*, Sept. 10, 1871. *Alta Cal.*, May 1, 1851, instances one report of its discovery. A similar cabin story is credited to two Germans far up on the American North Fork, who never could find their way back to it. *Dutch Flat Eng.*, Oct. 2, 1867.

[35] *S. J. Pioneer*, July 19, 1879, says that a mill was erected 16 years later to crush the so-called ore. An expedition from Yreka penetrated to it in 1858 by way of Goose Lake. *S. F. Bulletin*, Sept. 16, 1858.

[36] See account of early mining on Trinity River and the search for its mouth at Trinidad. Cottonwood Creek, which had been the first pathway for Trinity miners of 1848–9, received a disappointed influx in 1850. In 1848 a party had proposed to seek Trinidad Bay. *Californian*, March 29, 1848; *Palmer's Voy.*, 22–9.

[37] A calculation proved clearly on paper that each member of the formed company would secure at least $43,000,000. Nevertheless, these members evinced a self-sacrificing willingness to share with others by selling stock. Eight vessels were announced for the bluffs, but ere many miners had departed the bubble burst. *Annals S. F.*, 312–14, states that the exhibited sand was speckled with brass filings. See reports on treasure and excitement in *Alta Cal.*, Jan. 9–18, etc., 1851; *Placer Times*, etc.; *Polynesian*, vii. 154, etc.; *Frignet, Voy.*, 180–3.

[38] *Cal. Courier*, Sept. 27, 1850, mentions an exped. by sea to the Umpqua. *Lambertie, Voy.*, 222–3.

look beyond for the sources to which mystery and distance lent additional charm, enhanced by increasing dangers. Large numbers sought Lower California and Sonora at different times,[39] particularly Frenchmen and Mexicans embittered by the persecution of the Anglo-Saxons. A similar feeling prompted many among those who in 1852–3 hastened to the newly found gold-fields of Australia.[40] In 1854 nearly 2,000 men were deluded by extravagant accounts in the Panamá journals to flock toward the headwaters of the Amazon, on the borders of Peru.[41] In the opposite direction British Columbia became a goal for wash-bowl pilgrims, who, often vainly scouring the slopes of Queen Charlotte Island in 1852,[42] found in 1858, upon the Fraser River, a shrine which drained California of nearly twenty thousand sturdy arms, and for a time cast a spell upon the prospects of the Golden Gate.[43] Thence the current turned, notably between 1861–4, along the River of the West into wood-clad Washington, over the prairie regions of Idaho, into silver-tinted Nevada, and to the lofty tablelands of Colorado.

Other spirit-stirring mirages rose in due time to lend their enchantment, even to ice-bound Alaska and the bleak shores of Patagonia, some conjured by unscrupulous traders, others by persons really self-deceived.[44] Although California has become more

[39] In 1852, 1854, etc. The French, in connection with Raousset, the Spanish Americans by government invitation. The placer mines here proved of comparative small value.

[40] The convict element mostly joined the thousand and more who sailed.

[41] Where 25 lbs of gold could daily be obtained by any one.

[42] Three vessels sailed thither in March.

[43] See *Hist. B. C.*, this series; also journals for the summer and autumn of 1858.

[44] Nearly every excitement was fostered in some way by business men to create a demand for goods, and for stage and steamer service. The Gold Lake and other rushes were traced partly to vague utterances. The absence of some well-known digger from his camp, or the unusual plethora of some hitherto thin purse, as revealed at the store, would set the neighborhood agog. The least favorable discovery on the part of those who set themselves to watch and track the suspected miner might empty the camp. A rush below Sacramento in June 1855 was caused by the filled pockets of a pair of trousers left probably by some dying miner. *Hittell's Mining*, 28. The streets of Yreka were once staked off and partly overturned, owing to the salting

settled and sedate, with industrial and family ties to link them to one spot, yet a proportion of restless, credulous beings remain to drift with the next current that may come. They may prove of service, however, in warning or guiding others by their experience. Excitements with attendant rushes have their value, even when marked by suffering and disappointment. They are factors of progress, by opening dark and distant regions to knowledge and to settlement; by forming additional markets for industries and stimulated trade; by unfolding hidden resources in the new region wherewith to benefit the world, while establishing more communities and building new states. Each little rush, like the following of a wild theory or a dive into the unknowable, adds its quota to knowledge and advancement, be it only by blazing a fresh path in the wilderness. Local trade and conditions may suffer more or less derangement, and many a camp or town be blotted out,[45] but the final result is an ever-widening benefit.

The sudden development of mining in California, by men new to the craft, allowed little opportunity for introducing the time-honored regulations which have grown around the industry since times anterior to cuneiform or Coptic records. Even Spanish laws, which governed the experienced Mexicans, had little influence,

trick of a wag. *Yreka Union*, July 3, 1875. Many another town was actually uprooted or shifted by diggers. No place was sacred before the pick and pan; farms, dwellings, and even cemeteries were burrowed. Thus suffered the grave-yard at Columbia, and the Indian burial-place near Oroville; the brick-yard at San Andreas came to grief. Who has not heard, besides, of the expeditions to Cocos Island in quest of buried pirate treasures? See, for instance, *Alta Cal.*, Oct. 19, 1854.

[45] This was especially observed after the Fraser excitement, from which interior towns suffered greatly. One feature of the rushes was that they carried off foremost the least desirable classes, leaving steady and industrious family men; and brought out much unproductive hidden capital to promote enterprise. See, further, *Durbin's Stat.*, MS.; *Garniss' Early Days*, MS., 19–20; *Henshaw's Events*, MS., 10; *S. F. Elevator*, May 14, 1869; *West Shore Gaz.*, 15; *Carson's Appeal*, June 1866; *Grass Valley Direct.*, 10–11; *Lexts' Cal.*, 101–2; *Overland*, May 1873, 393, etc.; *Yuba Co. Hist.*, 42–3; *Browne's Min. Res.*, 15–18; *Nevada Jour.*, Aug. 3, 1855; *S. F. Bulletin*, Nov. 21, 1861; Apr. 5, 1865; Oct. 14, 1878; *Hittell's S. F.*, 271–3; *Tuthill's Cal.*, 334, etc.; *Annals S. F.*, 403–5.

owing to the subordinate position held by this race, and to the self-adaptive disposition of the Anglo-Saxons. In the course of time, however, as mining assumed extensive and complicated forms, in hydraulic, quartz, and deep claims, European rules were adopted to some extent, especially German and English, partly modified by United States customs, and still more transformed here in accordance with environment and existing circumstances. In truth, California gave a moulding to mining laws decidedly her own, which have acquired wide-spread recognition, notably in gold regions, where their spirit, as in the golden state, permeates the leading institutions.

The California system grew out of necessity and experience, based on the primary principle of free land, to which discovery and appropriation gave title. At first, with a large field and few workers, miners skimmed the surface at pleasure; but as their number increased the late-coming and less fortunate majority demanded a share, partly on the ground that citizens had equal rights in the national or paternal estate, and superior claims as compared with even earlier foreign arrivals on the spot.[46] And so in meetings, improvised upon the spot, rules were adopted to govern the size and title to claims and the settlement of disputes. On the same occasion a recorder was usually elected to register the claims and to watch over the observance of the resolutions, although frequently officers were chosen only when needed, custom and hearsay serving for guidance.

The size of claims varied according to the richness of the locality, with due regard for its extent, for the number of eager participants composing the meeting, and the difficulty of working the ground; so that in some districts they were limited to ten feet square; in others they covered fifty feet along the river, while in poorer regions one hundred or more feet were allowed; and this applied also to places involving deep digging,

[46] At least until the government should issue regulations.

tunnels, and other costly labor, and to old fields worked anew. The discoverer generally obtained the first choice or a double lot.[47] Claims were registered by the recorder, usually for a fee of $1, and frequently marked by stakes, ditches, and notices.[48] Possessory rights were secured by use, so that a certain amount of work had to be done upon the claim to hold it, varying according to the depth of the ground, the nature of the digging, whether dry or with water accessible, and the condition of the weather.[49] For a long time holders were, as a rule, restricted to one claim, with no recognition of proxies,[50] but the trans-

[47] While 10 feet square prevailed in many rich diggings, this the lowest recognized size was frequently made the rule at other places, owing to the clamor of numerous participants. Instance at Weber, in *Kelly's Excur.*, ii. 24. In Willow Bar district 27 feet were conceded to the discoverer of a rich gulch and 18 feet to other, with indefinite depth. *Unbound Doc.*, 50. At Jackass Gulch, near Sonora, the claim of 10 feet square often yielded $10,000 from the surface dirt. In reworking this ground, the limit was extended to 100 feet. At Jacksonville the rule was 50 feet along the river; in Garrote district 50 yards along the creek and 75 yards in the gulches; at Montezuma, Tuolumne, three squares of 100 feet each for surface claims; 150 feet in width for tunnel claims; 100 by 300 for deep shaft claims. For such claims with costly work, double claims were at times granted. Quartz claims will be considered later. See also special later rules in different districts in *Hittell's Mining*, 192-6. Existing holders were frequently respected in their claims, but new-comers must accept a smaller size.

[48] At times the recorder had to inspect the claim and mark the corner stakes, or affix a tin plate with the number to the claim stake, as at New Kanaka and Copper Cañon. The stakes and notices, with the owner's name and limits, were required in some camps to be of prescribed form, boxed for protection, painted, or cut, etc. The inscriptions were frequently peculiar, both in grammatic aspect and in force of expression, as 'Clame Notise. Jumpers will be shot.' In Jamestown a ditch one foot wide and one deep must be cut round the claim within three days. A common rule was to mark possession by leaving old tools in the claim, and woe to the man who disturbed them.

[49] At New Kanaka one full day's work in three was required, unless the owner could prove sickness. In case of temporary absence, claim notices had to be renewed every month or oftener. At dry diggings the term was reduced by half when water could be had; as at Jackass Gulch, where an absence of 5 days during washing time forfeited the claim. At Pilot Hill, Calaveras, work to the value of $25 per week was in 1855 required from each company holding a shaft or tunnel claim. At North San Juan, Nevada co., an hydraulic centre, an expenditure of $500 secured the claim for two years. At Shaw Flat claims over 24 feet in depth could be held without work from Dec. 1st to May 1st, owing to the effects of the rains. In many places work must be begun within three days after staking a claim. River claims could be left untouched during winter, and dry ravine claims during summer, without forfeiture.

[50] *Cal., Miscel. Pap.*, 34. Owners of different claims could unite to work one. This led frequently to the formation of companies with fictitious members, as Frignet, *Voy.*, 105-8, points out. At Shaw Flat the abuse was

fer of claims,[51] like real estate property, soon sprang into vogue, with the attendant speculation. Disputes were settled in certain cases by appeal to a meeting,[52] but generally by the recorder, alcalde, or a standing committee.[53]

For the settlement of important questions, meetings were held at stated periods. In Nevada miners assembled from every district in the county late in 1852 to frame laws for quartz mining. Claims were extended to 100 feet on the ledge, including "all dips, angles, and variations," a Germanic form of inclined location, adopted in England and the United States. The Spanish law limited placer and quartz mining alike to perpendicular sides within the surface lines of the claim, and this simpler rule has strong advocates in the United States.[54] The Nevada miners further decided that work to the value of $100 had to be done

checked by declaring that part of a company could not hold the claims of the whole. The incorporation of companies is outlined in *Id.*, 182–3. While members of a company shared alike, nuggets were often assigned to the finder, if found before entering the cradle. *Brooks' Cal.*, 77. Mush Flat, Placer co., allowed a hill, flat, and ravine claim to one holder by preëmption, or occupation, and any number by purchase.

[51] Often by verbal agreement, but more safely by deed, under the rules of the district, as shown by *McCarron vs O'Connell*, 7 Cal. 152; *Jackson vs Feather River Water Co.*, 14 Cal. 23. The title could be sold under execution. *McKeon vs Bisbee*, 9 Cal. 139. To this many objections were raised. *Alta Cal.*, March 25, 1856; *Sac. Union*, March 9, 1855; *S. F. Bulletin*, March 7, 1857; *Nev. Journal*, Jan. 18, 1856. Legislation was demanded to remedy the looseness prevailing in mining titles. Miners' words were all sufficient in early days. *Simpson's Cal.*, 67. Midst the friendship pervading camps, rules were of course waived or stretched, and jumping claims was widely overlooked, especially where only foreigners were injured. The restriction to one claim has been maintained in many districts till late times. *Dean's Stat.*, MS., 4.

[52] Or miners' jury specially summoned, and responding if the case seemed to deserve it.

[53] Or by any member of the committee. They were sworn by the justice of the peace. Decision of jury or arbitrator was final, cost being paid as in legal cases. The average fee of an arbitrator was $2. This according to Springfield rules. At Sawmill Flat each disputant was advised to choose two arbitrators, the four selecting a referee. At Montezuma Camp the recorder was president of this improvised court of four arbitrators. Appeal could be made to a meeting. Brown Valley, Yuba, held semiannual meetings to decide different questions; claims not represented were forfeited. Shinn, *Mining Camp*, 220–6, instances a case at Scott Bar, near the Oregon border, where two strong parties narrowly avoided a bloody battle over a rich gravel claim, and sent to S. F. for lawyers, the winners paying the cost.

[54] See my chapters on mining in *Hist. Mex.*, iii., vi.; *Hist. Nevada, Cal.*, etc., this series; *Rockwell's Sp. Mex. Laws*, 514, etc.

within 30 days, and reported yearly, to hold the claim until a company was organized. The erection of a mill worth $5,000 entitled it to a title-deed.[55]

A defect in these spontaneous regulations was the lack of uniformity, which, however, was largely necessary, owing to the varied nature of the field. To a certain extent it was due to the pressure of participants, but throughout equity was the guiding principle; and so courts lent their approval by basing decisions on the customs of the district, and the government displayed a spirit of the utmost liberality by abstaining from interference. This was more than the miners had counted upon. Under Spanish laws, the crown asserted its claim on the mineral wealth by exacting a royalty, and it was widely expected that the United States would proclaim its rights in similar manner. Indeed, Governor Mason, Senator Frémont, and others proffered suggestions for the lease or sale of claims, the issue of licenses, or the imposition of a tax on miners.[56] A royalty need not appear objec-

[55] Guaranteeing perpetual proprietorship. The above work, equivalent to 20 full days' labor, must be repeated till then each year. The Sacramento miners required the recorder to certify to the 20 days of annual work. They excluded foreigners who had not declared their intention of becoming citizens from holding claims. Sierra county extended claims to 200 feet on the lode by 500 in width. Other points in the regulations concerned the form of conveyance, rights of adjoining holders, abandonment of riparian rights, foreigners, assessments, etc. The regulations of Columbia District, Tuolumne, among the most complete, considers in 18 articles the extent of the district, size of claims, limitation of one claim to each holder, term of forfeiture, non-diversion or absorption of water without consent, exclusion of certain foreigners, laying over of claims during disadvantageous periods, recorder's duties, right to run water and tailings across adjoining claim so long as no injury done. According to the regulations of Mush Flat, unremunerative work to the amount of $1,000 upon a claim entitled the holder to discontinue work for a year. Several prospect claims could be held if in different localities. Concerning the formation of camps and districts and local government, I refer to my chapter on birth of towns; *Capron's Cal.*, 231; *Borthwick's Cal.*, 125, 155–7; *Woods' Sixteen Mo.*, 125–48; *Helper's Land*, 152–3; *Alta Cal.*, March 21, 1852; Jan. 13, 25, 1853, etc.

[56] The latter was Frémont's idea. Mason thought that licenses to work lots of 100 yards square could be issued from $100 to $1,000 a year, under a superintendent; or better, to survey and sell 20 or 40 acre tracts, or levy a percentage on the gold found. The sec. of the int. recommended, Dec. 3, 1849, that, as the sovereignty in mineral lands had passed to the U. S., they be leased or sold on condition that the gold pass through the mint for levying a percentage. Surface deposits might be leased. By this means the wealth could be protected from the foreign intruders. The latter point was especially

tionable, especially if regulated in favor of citizens; but the sale or lease of claims, as tending to favor speculators and monopolists, to the prejudice of poor men—this raised a general outcry. The legislature joined in protesting and recommending free mining, and Benton and Seward led in urging upon congress the adoption of a liberal policy. They gained at the time only a delay, but this sufficed. Before the next session took place, the operations of the free system presented so favorable an aspect, and local regulations appeared so satisfactory, that interference was deemed unwise.[57] Indeed, the government allowed no land surveyors within the mining region to impede the industry. Notwithstanding the occupation and transfer of claims, there was no real possessory right, so that the same piece of land might be enjoyed by several parties, for placer digging, quartz working, tailing, and fluming,[58] and water could be led away from its channel by the first claimant for any purpose.[59] Farms

urged by the sec. of state, and the president also favored the sale of lots. *Congress. Globe*, 1848–9, p. 257, etc.; 1849–50, ap. 22–3, and index 'mines;' *Id.*, 1850–1, 4; *Cal. Past and P.*, 187–9; *U. S. Gov. Doc.*, Cong. 31, Sess. 2, Sen. Doc., 1, p. 11; H. Ex. Doc., 1, p. 27–8; *Universal*, Nov. 30, 1850, etc.; *Polynesian*, v. 190; *Taylor's Eldorado*, i. 191; *Crane's Past*, 23–30. Mason instructed an officer to inspect the gold-fields, and report on measures for regulations, etc., and he threatened at one time to take military possession if the miners did not help him in arresting deserters. The miners saw the Irishism, if the governor did not, for without his deserters caught—or even with them, for that matter—where was the force to come from to impose regulations on 10,000 moving miners, buzzing about 500 miles of wilderness like bees? *U. S. Gov. Doc.*, Cong. 31, Sess. 1, H. Ex. Doc., 17, 477, 554–6, 561, 580–1; *Brooks' Four Months*, 15, 206. The Mexican custom of 'denouncing' mines was abolished by Mason's order of Feb. 12, 1848. *Unbound Doc.*, 318, 408–11; *S. D. Arch.*, iv. 325; *Californian*, Feb. 23, 1848; *S. J. Arch.*, ii. 49, 69.

[57] The president so regarded it, and withdrew his former recommendation. *Message*, Dec. 2, 1851; *Cong. Globe*, 1851–2, 18, etc.; *U. S. Gov. Doc.*, Cong. 32, Sess. 1, H. Ex. Doc., 2, p. 15, etc.; *Cal. Jour. Ho.*, 1850, 802, etc.; *Id.*, *Ass.*, 1852, p. 829–35; *Id.*, *Sen.*, 1852, 583–92; *Pac. News*, Apr. 26, May 11, 1850; *Sac. Transcript*, Feb. 14, 1851; *Alta Cal.*, Aug. 13, 29, Sept. 29, 1851; Jan. 28, March 3, July 17, Dec. 11, 1852; *Ryan's Judges*, 79; *Crane's Past*, 23; *Capron's Cal.*, 231. The people would rise against officers who might lease or sell land, it was declared. Riley upheld local regulations, and the legislature conferred jurisdiction in mining claims upon justices of the peace, to be guided by miners' meetings.

[58] *Jones vs Jackson; O'Keefe vs Cunningham*, 9 Cal. 237, 589. Any damage inflicted upon a neighbor by subsequent occupants of the tract must be paid for.

[59] Subsequent claimants may deviate and use it on condition of returning it. Ditching companies can, therefore, by priority carry away and sell the

established in the mining region were, therefore, apt to be encroached upon by miners, without further consideration than payment of damage to crop and buildings. Mining was paramount to all other interests in early days,[60] and its followers could wash away roads and soil, undermine houses, and honey-comb or remove entire towns.[61] In course of time agriculture assumed the ascendency, and with the opening of land to actual settlers, the ownership in fee-simple embraced the soil and everything embedded, to the exclusion of intruders.[62]

Those we have injured we hate; so it was with Mexicans and Americans in California; we had unfairly wrested the country from them, and now we were determined they should have none of the benefits. The feeling bred by border war and conquest, and the more or less defiant contempt among Anglo-

water. *McDonald and Blackburn vs Bear River and Auburn Water and M. Co.*, 13 Cal. 220; *Irwin vs Phillips*, 5 Cal. 140; *Sims vs Smith*, 7 Cal. 148; *Butte Canal, etc., vs Waters, etc.*, 11 Cal. 143. This was contrary to English riparian rules, which were agitated in later years for irrigation purposes, as will be shown in my next vol.

[60] Instance decisions in *Nims vs Johnson*, 7 Cal. 110; *Gillam vs Hutchinson*, 16 Cal. 153; *Lentz vs Victor*, 17 Cal. 271; *Irwin vs Philips*, 5 Cal. 145; *Hicks vs Bell*, 3 Cal. 227. In course of time, miners were forbidden to approach too close to buildings. An act of Apr. 25, 1855, protected crops and improvements till after harvest. Even town lots could be mined so long as residences and business were not injured, and many camps and settlements were moved more than once. No patents were issued to land in this region in early days, and so long as it was not formally withdrawn, miners might bring proof for gaining entry. See comments, in *Sac. Union*, Dec. 8, 1854; Sept. 20, 1855; *Alta Cal.*, Nov. 3, Dec. 21, 1852; *Hayes' Mining*, ii. 206–48; *Sac. Transcript*, Jan. 14, 1851; *Wood's Pioneer*, 98–9.

[61] Instance cases in *Shinn's Mining Camps*, 262 et seq. Often barren places were enriched with valuable soil, but oftener good land was ruined by barren débris. This question belongs to my later vol.

[62] Such holdings under Mexican grants did exist, and contrary to the usage of most countries, and of Mexico itself, the United States permitted no intrusion upon them even for minerals. See *Fremont vs Flower*. Folsom, Bidwell, and Reading were among other tract owners in the mining region. Land in the mining region was too long withheld from sale to farmers, for most of it was valueless for mining. Conventions met to consider the respective interests, and the legislature gave them attention. *Cal. Jour. Ass.*, 1853, p. 865; *Id., Sen.*, 649; *Hayes' Mining*, ii. 201, etc.; *Cal. Politics*, 207–74; *Land Off. Rept*, 1855, 141; *Sac. Union*, March 16, July 13, Aug. 9–10, 1855; Jan. 28, Feb. 14, Apr. 22–3, 1856; *Alta Cal.*, Dec. 8–11, Dec. 25–31, 1852; May 28, Aug. 1, Nov. 2, 12, 1853, with convention proceedings. *Peachy, on Mining Laws*, 1–86; *Savage's Coll.*, 43–4.

Saxons for the dark-hued and undersized Hispano-Americans, nicknamed greasers, had early evoked an ill-disguised animosity between the two races. A question having two sides arose when the United States men saw pouring into a country which they regarded as their own a host of aliens to share in the golden harvest. Then rose rankling jealousy as the untiring experience and tact of Mexicans and Chilians became apparent in the discovery of good claims and their profitable development. The zeal of General Smith in proposing to exclude foreigners from the mines[63] gave countenance to a class which stood prepared to achieve it by forcible measures. A number of isolated affairs took place, chiefly in ejecting Spanish-Americans from desirable claims, which the usurpers proceeded to work with a tacit approval of their countrymen.

This occurred chiefly in the central and northern mines, where Mexicans were few in number and unable to offer resistance. In several places, however, on the American forks, they banded for resistance, and lent support to rumors of future retaliation, and of a growing strength which might soon give them the ascendency in some rich districts. The prospect created wide-spread alarm; and fortified by arguments against aliens who carried away the wealth of the soil to enrich other regions, and who employed serfs to degrade labor,[64] entire districts rose in self-protection, to banish

[63] His announcement as military chief of California, that he would check the influx of foreigners into the gold region, was addressed through the consul at Panamá to consuls throughout Spanish-America, and published in *Pan. Star*, Feb. 24, 1849, etc.; *Pioneer Arch.*, 3–4, 19–21. He would treat all foreigners as trespassers. Despatch to Washington, *U. S. Gov. Doc.*, Cong. 31, Sess. 1, H. Ex. Doc. 17, p. 704–8, 720. No attention was paid to it, says Willey, *Mem.*, MS., 60–2; but it must have checked the emigration somewhat. The government did not approve of the step.

[64] *Placer Times*, Apr. 28, June 2, 1849, expresses itself strongly against Chilian gangs employed by masters. Native Californians brought Indians to dig for them, but Americans also employed them. Shaw, *Golden Dreams*, 59, observes that Australians banded in open defiance, and adopted blue shirts for a party color. The cynical Helper, *Land of Gold*, 151–2, dwells on the suicidal policy of allowing aliens to enjoy every benefit without sharing the burdens of citizens.

foreigners.[65] Men of the Latin race thought it prudent to obey quietly, and to join their brethren in the San Joaquin Valley. Here, indeed, they could muster in sufficient number to frustrate detached and unauthorized hostility, but this very attitude roused their opponents to additional efforts. The aid of the legislature was induced to impose a tax of $20 per month on all foreign miners, in the form of a license.[66]

So heavy an impost implied prohibition, in view of the reduced average gain among miners, under months of inactivity, prospecting, or fruitless preliminary labor. A host there were whose earnings seldom yielded the surplus required for the tax. Thousands had consequently to abandon the gold-fields, and to drift into dependent positions in the towns, or to be assisted to return home.[67] Others hastened in their

[65] Riley lays the chief blame on the English, Irish, and Germans, and adds that the foreigners 'quietly submitted.' *Report* of Aug. 30, 1849. Chilians and Peruvians were expelled from every section of the Middle and North Forks. *Placer Times*, May 26, July 25, 1849. The victims were given three hours' grace. Many naturalized citizens suffered. They were not allowed to take with them their provisions and machines. *Id.*, June 30, July 14, Sept. 1, 1849. Mexicans also leaving. The desire to expel foreign 'vagrants' is very general. *Alta Cal.*, Aug. 2, 1849. Wheaton, *Stat.*, MS., 6, refused to lend his rifle to the regulators. On Deer Creek the miners elected an alcalde to order away foreigners. *Kirkpatrick's Jour.*, MS., 37; *Frost's Hist. Cal.*, 439; *Polynesian*, vi. 71. Taylor, *Eldorado*, i. 87, 102–3, speaks of expulsions also on the S. Joaquin tributaries, and regards the foreigners as intruders. Bloodshed attended several demonstrations. *Pac. News*, Nov. 27, 1849, etc.; *Kelly's Excur.*, ii. 23; *Torres, Perip.*, MS., 148–9. Even Frenchmen were included in some proscriptions, but a show of spirit overruled the order. *Ryan's Adven.*, ii. 296–8. In several camps the more liberal-minded Americans interfered to annul the banishment. Instance Georgetown, Foster Bar, etc. *Upham's Notes*, 328–9; *Marysville Directory*, 1858, 25–6; *Lambertie, Voy.*, 259–61.

[66] The treaty with Mexico in 1831, revived in 1848, exempted people of either country from any charge or tax not paid by citizens of the state where they may reside. See also the Chilian treaty of 1844, as alluded to by the consul in *U. S. Gov. Doc.*, Cong. 31, Sess. 1, H. Ex. Doc. 17, p. 35–7. Peru sent a war ship in 1849 to look after her people. *Polynesian*, v. 183. For Spanish-American consuls, see *Unbound Doc.*, 12, 383. The tax act, passed Apr. 13, 1850, provides that no foreigner shall mine without a license (till congress issue regulations for the industry). After the second Monday in May 1850, the license to be renewed monthly at $20 per month. *Cal. Statutes*, 1850, p. 221–3. Report of committee, in *Cal. Jour. Ho.*, 1850, 802; *Id.*, *Sen.*, 493, 1302, 1342. Comments, in *Sonorense*, Aug. 16, 1850, rather against the continued abuse despite licenses; *S. F. Picayune*, Aug. 14, 1850; *W. Pac. News*, Aug. 1, 1850; *Cal. Courier*, Feb. 1, 1851; *S. F. Herald*, June 1, 4, 1850. Lambertie, *Voy.*, 239, is disgusted. Frenchmen remonstrated as late as 1856, on the ground of treaty privileges. *Le Mineur*, June 29, 1856.

[67] City crowded with Mexicans who have been driven from the mines.

helplessness from the exposed northerly districts, to seek counsel with their countrymen in the San Joaquin region; for the tax was rigidly enforced against few others than the Chinese and Spanish-Americans. The headquarters of the Mexicans centred at Sonora, whose famous dry diggings suited their methods, and where monte-banks, bull-rings, and other revelry bore testimony to their predilections.[68] Here the news of the tax collector's approach had a different effect. Made confident by numbers, and by the desperation of a large proportion which could neither pay nor depart, they resolved in public meetings not to heed the act. The gatherings were sufficiently demonstrative to rally Americans from surrounding camps for self-protection, and for maintaining order. The aspect became threatening, but nothing serious occurred beyond the excitement attending the fruitless trial of four suspected murderers, the arrest of a large number of blustering Mexicans,[69] and the advance of the collector with his formidable escort, before which most of the Mexicans either turned in flight, lining the roads with their women and chattels, or pleaded poverty and abandonment of mining, though ready to resume operations under the sheltering screen of those who possessed a license. At more distant camps they defied the collector, arms in hand. Others passed onward to seek new diggings in less frequented spots where it would be difficult to follow them; or yielding to a national propensity, under the impulse of want and vindictiveness, they became highwaymen. So startling, indeed, was the increase in robberies and

Cal. Courier, Aug. 6, 1850; *Martin's Narr.*, MS., 54; *Sac. Transcript*, June 29, 1850. The Chilian consul arranged to send home 800 persons, at $60 each, under promise of repayment. *Torres, Perip.*, MS., 149.

[68] King, *Report*, 26, estimates the number of Mexicans here in 1849 at 10,000.

[69] Over 100 were brought in and detained a while in a corral. Four others were found in suspicious connection with two dead Americans, and narrowly escaped lynching. The court being installed, they were tried and acquitted. Details, and of poor result attending the tax collection, *Alta Cal.*, May 24, June 3, 1850, etc.; *S. F. Herald*, July 19–23, Aug. 1, 1850; *Pac. News*, May 27–30, Oct. 10, 22, 1850; *Cal. Courier*, July 11, 16, 1850; *S. F. Picayune*, Aug. 14, 1850; *S. J. Pioneer*, Aug. 11, 18, 1877.

murders that a company had to be raised to pursue the marauders and watch over the district,[70] and a vigilance committee was formed, which after some abortive efforts reappeared in the following year of popular tribunals to achieve most gratifying results.[71]

The difficulty of collecting the heavy tax, due chiefly to its excessiveness, the protestations even from those not subjected to it, and the questions raised concerning its constitutionality[72] caused it to be repealed in 1851; but after further consideration and pressure it was restored in the following year at the reduced rate of $3 per month, which was increased to $4 a year later and long sustained.[73]

[70] So resolved in meeting of July 3, 1850, when subscriptions began for the 25 men to be raised by Litton. Appeal was also made to the government for a detachment. A meeting of July 21st resolved to appoint a committee in each camp to issue permits to respectable foreigners, and order all others to leave; all foreigners having to deliver up their arms. The enforcement proved difficult. *Avila, Doc.*, 225. At Don Pedro Bar, Tuolumne, an affray took place, Aug. 7, 1850, between the collector's party of 12 and the gathered Mexicans. The former fired and killed several, but received so warm a reply that they withdrew. *S. F. Picayune*, Aug. 12, 1850; *W. Pac. News*, Aug. 1, 1850; and references in preceding note.

[71] As fully related in my *Popular Tribunals*, i. 496–514, etc.

[72] The supreme court affirmed the constitutionality, although art. 1, sec. 17, of the state organic law implies that foreigners shall enjoy the same property rights as citizens.

[73] The law of May 4, 1852, gave as a reason for the tax 'the privileges and protection' secured to the foreigner while not liable to the same duties as citizens. Loop-holes were cut off by making employers liable for the tax of employés, and by imposing it upon all foreigners in the mining region not directly engaged in other pursuits. An amendment of 1855 raised the tax to $6 for persons ineligible for citizenship (not intending to become citizens) and increased it by $2 every year; but this was annulled in 1856, and the general $4 rate affirmed. Another act of April 30, 1855, made captains liable to pay $50 for every immigrant not competent to become citizens; but it proved short-lived. *Cal. Statutes*, 1851, March 14, p. 424; 1852, p. 84; 1853, March 30, p. 62–5; 1854, 166; 1855, Apr. 28, 30, p. 194, 216; 1856, Apr. 19, p. 141. *Cal. Comp. Laws*, 1850–3, 218–22; *Cal. Jour. Ass.*, 1853, 704–5, etc.; *Auger, Cal.*, 110–11. It was stated that 8,000 Sonorans stood prepared at Los Angeles to rush to the mines when the repeal law of 1851 was issued. *Alta Cal.*, March 20, 1851. The receipts from the tax for the 2d fiscal year 1850–1 amounted to only $29,991, despite the heavy rate; the 3d fiscal year brought $1,003; the 4th $53,121, at $3; the 5th and 6th, at $4, $100,558, and $123,323, and the following year, 1855–6, brought still more, nearly a half at $6. *Cal. Jour. Sen.*, 1851, pp. 591–8, 660–701; 1855, Apr. 3, p. 27; 1856, p. 400–1, Apr. 22, p. 6; *Id., Ass.*, 1857, Apr. 2, p. 31. *Sac. Union*, Aug. 13, Sept. 25, Oct. 9, 1855, June 28, Dec. 31, 1856, refers also to fraudulent licenses and evasions. *S. F. Manual*, 197–204; *Hayes' Mining*, ii. 20–5; *Cal. Revenue*, 4–10. The following statistics show the proportion of mining as well as foreigners in each county for the civil year 1856: Foreign Miners' Licenses, 1856, in counties: El Dorado co. $25,300, Placer $14,500, Nevada $10,000, Tuolumne $10,000, Klamath $3,000, Trinity $4,500, Sacto $1,000, Siskiyou $1,000, Butte $10,000,

The reduction gave fresh courage to the Mexicans, who with the Mongols constituted almost the exclusive prey of the collector; but it brought little relief from Anglo-Saxon persecution, with the attendant seizures of tempting claims and maltreatment, exclusion from camps and districts and not infrequent bloody encounters when objections were made,[74] a show of armed resistance affording an excuse for even more liberal minded men to regard the safety of the community as endangered and to support the crusaders. The French, with Latin blood and sympathies, suffered so severely from the persecution that their immigration was much reduced, while large numbers sought relief by departing, notably with the disastrous expeditions of Raousset-Boulbon.[75] Native Californians found so little protection in their citizenship from similar outrages,

Calaveras $12,500, Shasta $3,500, Mariposa $7,500, Sierra $3,000, Yuba $6,500, Plumas $4,750, Amador $3,850, Stanislaus $400, San Joaquin $500, Tulare $500, Merced $1,000, Fresno $2,000. Total $125,300.

[74] Idlers would occasionally raise a 'stake' by a fraudulent double levy of tax, after tearing up the exhibited receipt. For notable outrages, see *Cal. Courier*, Feb. 18, 1851; *Alta Cal.*, Apr. 30, June 18, 1851; *Sac. Transcript*, Feb. 28, May 15, 1851, with mention of three encounters, half a score of killed, and consequent exodus of Mexicans. The miners at Rough and Ready in May 1852 prohibited foreigners from mining in the district. *S. F. Herald*, May 21, 1852. In Mariposa both French and Mexicans were driven off from a series of valuable claims, but the French consul succeeded in reinstating some of the expelled. *Alta Cal.*, May 12–14, June 12–13, July 1, 5, 11, 15–16, 22, 1852. A convention met in Tuolumne on Sept. 18th to consider the question. *Id.*, Sept. 20, 28, Oct. 18; *Calaveras Chronicle*, Sept. 1852; *Echo Pac.*, July, Sept. 1852; *Sonora Herald*, Sept., Oct. 1856. At Bidwell's Bar and other places it was resolved not to register claims for foreigners. In 1853 Calaveras county was marked by wide-spread expulsions, with attendant outrages that roused a cry of indignation throughout Mexico. *Sonorense*, Mar. 25, Apr. 8, 15, 1853, etc.; *Rivera, Hist. Jal.*, iv. 371; *Alta Cal.*, Apr. 20, Aug. 21, Oct. 2, Nov. 1, 1853; March 18, 1854; *S. F. Herald*, Jan. 29, 1853; *S. F. Whig*, Jan. 29, 1853, with allusions to squatter outrages. *Cronica*, Dec. 20, 1854, and *Voz Sonora*, Oct. 5, 1855, etc., continued to deplore the Hispano persecution. *Sac. Union*, Apr. 9, May 7, 28, July 28, Aug. 11, 14, Sept. 5, 1855, has allusions to Mexican robber depredations and consequent ill feeling in Amador, Calaveras, and adjoining counties. In the summer of 1856 Mexicans were largely expelled from Amador. *Id.*, June 20, Dec. 16, 1856; *S. F. Bulletin*, May 1, July 2, Dec. 18, 1856; *Hayes' Angeles*, xviii. 101–3; and so at Greenwood valley and in Mariposa. In Shasta the sheriff had to bring fire-arms to bear on a party intent upon expelling Chinese. *Marysville Appeal*, Aug. 24, 1867, brings up the fate of the rifles.

[75] As related in the chapter on filibustering. Lambertie, *Voy.*, 261–3, and Auger, *Cal.*, 105–13, instance several marked outrages. They acknowledge the lack of unity and perseverance among French parties. See *Alta Cal.*, Apr. 28, 1851, July 1853, etc., for outrages, and preceding notes.

from land spoliation and other injustice,[76] which had moreover reduced a large proportion to poverty, that plans for emigrating to Mexico were widely entertained.[77] In the mines the ill-will turned greatly in a new direction with the growing influx of the yet more obnoxious Chinese, upon whom the wrath of America gradually concentrated.[78]

[76] Officials of their race were treated with contempt, from which many sought to save themselves by taking sides with their oppressors. *Pico, Doc.*, i. 191, 507–9. Incautious arrangements with lawyers, gambling, and extravagant display brought about the ruin of a large proportion of wealthy families. *Roach's Stat.*, MS., 5–6; *Alta Cal.*, Aug. 19, 1851, Aug. 5, 1853.

[77] The insecurity in Mexico from internal wars, Indian raids, and arbitrary officials alone prevented a large exodus in response to the invitations tendered by states as well as private land-holders. For colony schemes and measures, see *Vallejo, Doc.*, xxxvi. 189, 213; *Hist. Doc. Cal.*, i. 520; iii. 371–82; *Sac. Union*, Feb. 12, 1855; *Savage, Coll.*, MS., iii. 188; *Hist. North Mex. States and Tex.*, ii., this series, especially in direction of Sonora, for which a special colonization society was formed.

[78] A man whose early life in California is a mosaic of such experiences as are indicated in the above chapter, is Hon. Peter Dean of San Francisco. Born in England Dec. 25, 1828, he came to the U. S. in 1829 with his father's family, his ancestors having been land-owners from the Norman period. Educated in New England, he came to California June 13, 1849, on the second trip of the *Oregon*, being one of 12 forming the Gaspee mining co. After some experimental mining, the company established a ferry across the Tuolumne river, and afterwards dug a canal to furnish water to miners, neither of which made their fortunes owing to accidents. In the fall of 1851 Dean returned to San Francisco, and in company with Samuel Jackson went to Oregon in a schooner, which was loaded with lumber and live stock for Portland. After getting to sea, a southeast storm disabled the vessel, which was driven up the coast, but finally found its way into Dean's inlet on the mainland east of Queen Charlotte island, where they were detained 43 days, the crew suffering many hardships, after which the vessel was worked back to Puget sound, and Dean went by land to the Columbia river, where he took passage on the steamship *Columbia* for San Francisco. After mining, trading in cattle in Idaho, and various undertakings in many places, he settled in San Francisco in 1869. Throughout the war period he was an ardent unionist. In 1871 he was elected director of the Pioneer society. In 1873 he was elected school director; and also waschosen vice-president of the Pioneer society. In 1875 and 1876 he was acting president, and in 1877 was elected president. His politics in 1875 was independent, he being a member of the Dolly Varden convention. In 1877 he was elected to the state senate, and defended the school system of San Francisco against attacks from its enemies. He was in the state convention of the republican party in 1878. He opposed the unlimited coinage of silver, and urged upon congress the policy of governmental control of the transcontinental railways; endeavored to divide the burden of the water-tax between the rate-payer and property-owner; opposed Chinese immigration, and labored for the purity of the ballot, and the registration of voters. Mr Dean has also been prominent in commercial affairs. He was elected president to close up the business of the Masonic bank and Merchant's Exchange bank; and is (1888) president of the Sierra lumber company. and holds other official positions; besides attending to an extensive private business.

CHAPTER XVI.

MINING METHODS.

1848–1856.

Primitive Mining Machinery—Improved Means for Poor Diggings—California Inventions—Tom, Sluice, Fluming—Hydraulic Mining—Ditches, Shafts, and Tunnels—Quartz Mining—The First Mills—Excitement, Failure, and Revival—Improved Machinery—Co-operation—Yield—Average Gains—Cost of Gold—Evil and Beneficial Effects of Mining.

Rich surface deposits and few participants did not tend to advance mining methods; but as the easily worked alluvia became scarcer, and the number of miners increased, attention was turned to less remunerative auriferous strata, to be found, not alone in the shallow river bar and gulch diggings which so far had been merely skimmed, but extending through benches above the level of the streams and ravine hollows, and through flats and gravel hills, the deposits of ancient rivers. With these were connected rich beds difficult of access, as in the bottom of rivers, or at a great depth beneath layers of soil of little or no value. All of which required a combination of hands and capital, for removing barren surface, sinking shafts, and driving tunnels, and for machinery with which to perform this wasteful work in the most expeditious manner, and to better extract a compensating amount of gold.

Numbers of experiments were introduced by thoughtful immigrants, but nearly all devised without practical knowledge, and utterly useless.[1] Many excellent ideas

[1] Instance the cumbrous and complicated sieves, alembics, washers, and digesters mentioned in *Burnett's Rec.*, MS., ii. 42–5; *Placer Times*, May 26,

were, however, obtained from men conversant with the methods of other countries, and these suggestions assisted in unfolding one method after another. In 1850 the long-tom began to supplant the cradle, of which it formed practically an extension, with a capacity fivefold and upward greater.[2] Complementary to it was the quicksilver machine for saving fine gold.[3] Both were replaced within two or three years by the more effective and permanent sluice,[4] an extension of

1849; *Swan's Trip*, 48-9; *Cal. Pioneers*, no. 49; *Simpson's Gold Mines*, 7-8; *Auger*, *Cal.*, 8-9; *Sac. Bee*, Jan, 16, 1874; *Overland*, xiii. 274-85; which drew ridicule upon the owners, and were cast aside often without trial. The expressman Gregory brought out diving suits for which he was offered 700 per cent profit before trial, and Degroot's diving bell raised hopes in many breasts; but they proved worthless.

[2] An inclined, stationary wooden trough or box from 10 to 30 feet in length, 1½ ft in width at the upper end, and widening at the lower end, where perforated sheets of iron are let into the bottom, under which is placed a shallow flat riffle-box, four or five feet long, with cross-bars to catch the running gold. Such bars are sometimes nailed also across the bottom of the upper box to assist in catching the gold. Dirt is shovelled into the upper end by one or more men, and upon it plays a continuous stream brought in hose from the dam above. Other men below assist in dissolving the dirt by stirring it with shovels or forks, and in removing gravel. The puddling box obtained favor where water was scanty and the clay tough. It was a box about 6 feet square wherein the dirt could be stirred in the same water for some time, with a rake, and frequently with animal power. By removing a plug a few inches from the bottom, the slimy matter could be run off and fresh water introduced. The box has been more widely adopted in Australia. Both of these machines existed in cruder forms in Georgia and elsewhere. See *Austed's Gold Seeker*, 85-7; *Zerrenorer*, *Aulietung*, 51, for similar apparatus. Crosby, *Stat.*, MS., 21, refers to toms in May 1849, apparently.

[3] Which the simple cross-bars failed to catch. It was a long rocker with perforated iron top throughout, above the riffle-box, above each of whose bars some quicksilver was placed to absorb the gold, which was regained by squeezing the mercury through buckskin and retorting the amalgam. The cradle has been described in the previous chapter on earliest mining methods. The quicksilver machine was introduced from the eastern states in 1849, 3-400 lbs in weight, and costing $1,000-$1,200, as described in *Placer Times*, Oct. 20, 1849; but by 1850 they were reduced in weight and price from three to six fold. The introduction and improvement are ascribed to C. Bruce, who resided in Mariposa in 1873. *Marysville Appeal*, Jan. 16, 1873; *Sac. Transcript*, May 29, 1850; *Placer Times*, Apr. 13, 1850.

[4] Either may be several hundred feet long. When of board it is made in sections for ready fitting and removal. Small sluices require from half a dozen to a score of men. Large ones demand preliminary hydraulic operations for bringing dirt and a little river of water, which obviate much manual labor. The wear of timber for the boxes, the bottom of which has often to be renewed every 20 days, led to the adoption of the under-current sluice, wherein iron bars and double channels separate the coarse débris from the finer, and allows a more gentle and prolonged current to save more gold. The costly timber is wholly or partly saved by ditch sluices, such as the rock sluice, wherein the bottom is formed of lenticular rolled pebbles or cobblestones overlapping each other in regular order. One form of this is the tail sluice, generally laid in the bed of a creek with larger stones, for washing the

the tom, and either constructed of boards, or as a simple inclined ditch, with rocks instead of wooden riffles for retaining the gold. Operations on river bars soon led to explorations of the bed itself, to which end the stream was turned into artificial channels to lay bare the bottom.[5] The cost and risk of deviating the river course caused the introduction of dredgers with fair success.[6] Along the northern coasts of California the auriferous bluffs, worn away by the surf, deposit very fine gold in the beach sand, which is carried away on mule-back and washed at the nearest stream.

To the sluice and its coördinates are due the immense increase in the production of gold during the early mining period; for without their aid the industry

escaped tailings of other sluices. Tunnels are sometimes cut to obtain an outlet for washing, whence the term sluice tunnels. The ground sluice is used for rapid descents, and as it can cut its own channels it is often applied for opening railroad cuts, etc. Booming is to discharge an entire reservoir upon a mass of dirt. The grade of the ordinary sluice ranges from 2 to 20 inches for every 12 feet. The upper part may preferably be steeper to promote the disintegration of débris; the lower part must be gentler in descent to prevent the fine gold from being washed away. The rock sluice not only saves more gold than board sluices, but it offers less facility for robbers, and requires less frequent cleanings up. Quicksilver is used in proportion to fineness of the gold, frequently in the cheaper connection of amalgamated copper plates. Nevada county claims the credit of first using the tom, grizzly (in connection with under-current sluices), and sluice. *Nevada Co. Directory*, 1867, 61–2. Pliny, in his *Nat. History*, Del Mar, *Prec. Metals*, 286, Austed, *Gold Seeker* and *Mining in Pac.*, 115, 129–33, show that sluices and hydraulic washing were known to Romans, Brazilians, and others. Others point to board sluices in N. Carolina in 1840. W. Elwell constructed one at Nevada City in the spring of 1850; but some incline to credit Mr Eddy. Mr Eddy is credited with the accidental discovery of the sluice method in California, by using a trough to carry the dirt and water from his claim, across that of a quarrelsome neighbor, to the rocker below. The cleats or bars in the trough caught the gold, leaving none for his rocker to wash. Blake, *Mining Machinery*, 9, instances a tail sluice 5,500 feet long at Dutch Flat, which cost $55,000, and took 4 years to construct. The best account of sluices is given in *Bowie's Hydraulic Mining*, 218 et seq.

[5] The water is turned by wing dams into flumes, which are usually cheaper than ditches, owing to the rocky character of the banks. The flume current supplies water for sluicing and power to pump the bed. Bowlders are lifted by derricks. At times the stream is confined to one half of the bed while the other is worked. The absence of heavy rains between May and December permit such operations. *Placer Times*, July 20, 1849, refers to several fluming enterprises on the American forks thus early; also *Dean's Stat.*, MS., 4–5.

[6] The steam dredger *Phœnix*, of the Yuba Dredging Co., in Jan. 1851, was highly commended for its success. The buckets discharged the dirt into huge rocker riffles. *Pac. News*, Oct. 19, 1850; *Sac. Transcript*, Sept. 30, 1850; Feb. 1, 14, 1851; *S. F. Picayune*, Nov. 27, 1850; Moore, *Pioneer*, MS., 11–12, refers to success and failure in dredging; also *Comstock, Vig.*, MS., 36.

would have failed to provide remunerative employment for more than a small proportion of the mining force, as shown by the rapid deviation of poorer laborers to other pursuits after 1852. The saving effected by the rocker, as compared with the pan, was about fourfold. The tom gained an equal advance upon the rocker, and the sluice was found to be three times cheaper than the tom,[7] for about 35 cents per cubic yard of mining dirt. Even this price, however, was too heavy to permit the mining of the largest auriferous deposits, in the gravelly banks and hills, which had moreover to be removed before richer underlying strata could be profitably worked. The sluice process permitted them to be cheaply washed, so that in the excavation or removal lay the chief cost. To this end was invented in 1853 the hydraulic process,[8] to under-

[7] The calculations of Laur, *Product. Métaux Cal.*, on a basis of 20 francs per day for wages, made the pan process cost 75 fr. per cubic metre of gravel; by the rocker 20 fr., by tom 5 fr., by sluice 1.71 fr., and by hydraulic process 0.28 fr.

[8] A Frenchman named Chabot, in April 1852, used a hose without nozzle upon his claim at Buckeye Hill, Nevada co., to sluice away the gravel which had been loosened by the pick. A similar method is said to have been used at Yankee Jim's in the same spring. The idea was applied a year later by E. E. Matteson, from Sterling, Conn., with improved pressure to wash down the bank itself, and so save the costly pick and shovel work. He soon found that the nozzled hose could do the work of a large force of men at small cost. *Nevada Co. Directory*, 1867, 32–3, 67; *Hittell's Mining*, 22, 144. Hydraulics first used at American Hill, Nevada City, says *Hist. Nev. Co.*, 197. One of the best improvements on the pipe, etc., was suggested by Macy and others of the same county. Matteson's perishable canvas hose, strengthened by netting and rope, and with wooden nozzle, was speedily replaced by sheet-iron pipes, and these by wrought-iron pipes, with goose-neck and other nozzles. The wide application of the method without due proportion of plant to claims caused disappointment in many directions, with a consequent abatement of use, but with greater experience, combination, and improvements, the revival became extensive. The main effort was now to obtain a sufficient quantity of water, with pressure increased from 30 or 40 feet to 200 or 400. To this end special companies undertake to construct reservoirs, or to bring water from distant rivers. The fall ranged from 6 to 25 feet per mile, the best grade being 13 feet. Wooden flumes were in time largely replaced by the less fragile iron tubes, with inverted siphons and other saving appliances; yet ditches proved the most lasting, needing also less repair. The water is sold per inch; that is, the amount escaping through an opening one inch square, yet the volume varies with pressure. For detailed accounts of hydraulic apparatus, methods, and cost, see the *Report* of the commissioner of mining statistics; *Bowie's Hydraulic Mining; Blake's Mining Machinery*, etc. Blasting assisted in loosening the more packed strata. Care had to be taken for obtaining a sufficient dumping-place for the vast débris, to which end tunnels and other outlets were at times required.

mine and wash down banks by directing against it a stream of water through a pipe, under great pressure. The same stream did the work of a host of pickmen and shovellers, and supplied the washing sluice; so that in course of time, with cheaper labor and machinery, the cost of extracting gold from a cubic yard of gravel was reduced as low as half a cent, while the cost under the old rocker system of 1848–9 is estimated at several dollars. After many checks from lack of experience the hydraulic system acquired here a greater expansion than in any other county, owing to the vast area of the gravel beds, and the natural drainage provided by the Sierra Nevada slopes; but an immense preliminary outlay was required in bringing water through flumes, ditches,[9] and tunnels, sometimes for

[9] The official report for 1855 gives the following list of canal ditches and branches:

Counties.	No. of Canals.	No. of Miles.	Value.
Amador	30	355	$446,000
Butte	16	287	347,000
Calaveras	17	325	497,500
El Dorado	20	610	935,000
Humboldt	60	60	100,000
Klamath	6	130	150,000
Mariposa	8	150	180,000
Nevada	44	682	1,123,000
Plumas	2	65	100,000
Placer	29	498	649,400
Sacramento	4	29	54,800
Shasta	5	89	109,000
Siskiyou	1	80	84,000
Sierra	79	310	330,000
Trinity	10	278	228,500
Tuolumne	13	285	447,500
Yuba	8	360	560,000
Total	303	4,493	$6,341,700
In year 1854		1,164	$2,294,000
Increase in one year		3,429	$4,047,700

In addition to the above, 112 canals and ditches have been commenced, and will probably be completed within the next year. Amongst them is the Sierra Nevada Mountain Canal—an immense work—ten feet at the bottom, fourteen at the top, and designed with branches, to extend over about 150 miles. The above report is not perfect, but better than that for 1856. Compare *Cal. Jour. Ass.*, 1856, p. 26; *Id.*, 1857, ap. 4, p. 28–32; *Id.*, 1855, p. 41–2, etc. Also preceding notes, and later account in my next vol.

The first noteworthy ditch is ascribed to Coyote Hill, from Mosquito Creek, Nev. co., in 1850, when two or three more were constructed in the same county, as already pointed out under this district. The claim is confirmed in the main by *Sac. Transcript*, which on Feb. 14, 1851, points out

several score of miles, through mountains, over deep ravines, and along precipitous cliffs, by means of lofty aqueducts hung sometimes by iron brackets; large reservoirs had also to be provided, and outlets and extensive places of deposit at a lower elevation for the washed débris.

Deep, timbered shafts were not common in placer mining, for the pay dirt was seldom profitable enough to cover the expense, but for prospecting hills they proved of value in determining the advisability and direction of a tunnel, which by permitting easy drifting, and offering a slight incline for drainage and use of tramways, greatly reduced the cost of extracting dirt.[10]

This system became more identified with quartz operations, which already in 1849 began to be regarded as a future main branch of mining. Explorations soon justified the belief by revealing the mother vein, which with its breadth of easily worked pay rock promised stability, while the outlying parallel veins, in harder

that two canals of 9 and 6 miles were already bringing water at Nevada, the first of the 1,000 long-toms kept busy thereby paying $16 per day, and the last in order $1, for the muddy residue. On May 15, 1851, it adds that the 'first canal experiment' was made near Nevada by bringing Rock Creek waters; followed by a Deer Creek conduit, a third canal from Deer Creek, parallel to the first being nearly ready. Several other projects had been started. See also June 15, 1851. *Grass Val. Directory*, 1856, 10–12, alludes to the canal from Deer Creek to Rough and Ready, begun in Aug. 1850, as the first enterprise 'on a large scale.' Coloma's claim to the first ditch, of six miles, is supported in *Hist. El Dorado Co.*, 177, and that of Yankee Jim's, in 1851, by *Placer Co. Directory*, 1861, 13, and by *San Andreas Independent*, which attributes it to 1850. *Iowa Hill Patriot* denies this, but *Placerville Observer* affirms. Some of these ditches could with the aid of natural channels, easy ground, etc., be constructed for as low a rate as $200 per mile, but as a rule the expense was not under $1,000 per mile, and often much more, especially when bridges and tunnels were required. On the Yuba, water was pumped from the river by means of wheels attached to barges which were moored in the strongest current. *S. F. Bulletin*, June 13, 1856. The Eureka Lake Ditch was 75 miles long, with 190 miles of branches, costing nearly a million, and yielding a weekly revenue of $6,000. *Sac. Union*, of Nov. 15, 1854, speaks of a flume over 3,000 feet long on Feather River.

[10] This method had its beginning in California in the 'coyote' burrowing of the Mexicans, and in following gravel deposits under river banks. It did not assume the rank of a distinct branch until 1852, when ancient river channels began to attract attention. Fully half of the early attempts resulted in failure, owing to miscalculations and insufficient adjuncts, but the experience proved of value. The first extensive drift mining was begun in 1852 at Forest Hill, Nev. J. McGillivray had however in 1851 drifted a claim at Brown Bar on the Middle Fork of the American.

casing, presented more hazardous prospects of speedy profits in their narrower and richer but also more unevenly distributed deposits. The first quartz vein was discovered in Mariposa in 1849,[11] which was quickly followed by other developments along the gold belt, and in 1850 the first mill was planted at Grass Valley.[12]

Preoccupied with remunerative and ready placers few among the gold-seekers had so far taken an interest in the new branch; but now, with the organization

[11] On Frémont's grant, the reddish samples yielding two ounces to every 25 pounds, as Taylor testifies in *Eldorado*, i. 110–11. Among those who became interested in the branch was G. W. Wright, who spent the summer of 1849 in exploring the gold region for quartz, 'and his experiments have proved so wonderful as almost to challenge credulity,' writes Buffum at the time in his *Six Months*, 109. Comparing the quality with Georgia ore, which paid well at 12½ cents per bushel of rock, it was found that the California quartz would yield $75 per bushel; so that a mill might readily crush $100,000 daily. According to Bean, *Nevada Directory*, 1867, 48, the first quartz location is ascribed to Butte co., near Oroville. *Pac. News*, May 23, 1850, reports large quartz discoveries on Yuba and Feather rivers, yielding $14 to two ounces of quartz.

[12] The first, a 'periphery' from the eastern states, is ascribed to Wittenbach, who after working vainly on mica, on American River in 1849, set it up at Grass Valley in the following year for Wright. *Rush*, 1–2; *Cal. Misc. Hist. Pap.*, doc. 34. Bean agrees with this. The second was an 8-stamp 'Stockton' mill, with an engine of 16-horse power, brought across the Isthmus, and also erected by Wittenbach for Wright of Phil. Rush had 10 tons crushed at a cost of $40 per ton, while the yield was only $397. *Ib. Hist. Nevada Co.*, 187, calls this the first, and dates the erection early in 1851. Hawley, *Stat.*, MS., 9, calls King the first builder of quartz-mills, first erected at Grass Valley, and his testimony is good, for he owned a mill in Mariposa late in 1850. *Mariposa Gaz.*, Jan. 17, 1873, claims the first mills for its county, and states that J. Duff, residing there in 1873, erected the first quartz-mill, including a small engine, in August 1849, close to Mariposa. It was known as the Palmer, Cook, & Co.'s mill. Another was erected in June 1850 on Stockton Creek, for Com. Stockton. A third, brought out by Capt. Howard, dates about the same time. J. F. Johnson put up two mills in 1850. *Sac. Transcript*, June 29, 1850, refers to Brockway going east to obtain machinery. *Alta Cal.*, Feb. 13, 1869, refers the above Palmer & Cook mill from Phil. erected by C. Walker, to Sept. 1850, while still calling it the first; the second is ascribed to E. F. Beale, later U. S. surveyor-gen. *Marip. Gaz.*, Feb. 26, 1869; *National*, March 28, 1868. *Pac. News*, Aug. 27, 1850, alludes to a party leaving Stockton with machinery for a quartz vein. This may be for the mill either of Wittenbach or Palmer, Cook, & Co. 'Till now the pulverizing of quartz has been confined almost exclusively to the southern diggings,' says *Sac. Transcript*, Nov. 14, 1850. Matthewson, *Stat.*, MS., 8–9, writes of of his own fruitless efforts with mills; and so does Hawley, *Stat.*, MS., 8–9, who erected a mill on Saxton Creek, Mariposa, end of 1850, and crushed ore at $150 per ton, so that the rich yield of over $100 per ton failed to pay. *Cal. Courier*, Aug. 26, 1850. By Feb. 1851 there were three companies at Nevada operating quartz machinery. *Sac. Transcript*, Feb. 1, 14, 28, March 14, 1851. *Placer Times*, Oct. 26, 1851, gives a list of mills.

of companies,[13] the air became filled with wild rumors. Assay upon assay demonstrated that California ore was ten to a hundred fold richer than well-paying lodes abroad, and exploration revealed that auriferous rock existed throughout the state. Here, then, lay an inexhaustible wealth, and one which eclipsed the famed placers. Owners of ledges regarded their fortunes as assured, and reluctantly yielded a share to the clamoring mass of buyers, chiefly to obtain funds for machinery, vast sums being spent upon plants. When the practical test came, it was found that rock assaying 20 or 30 cents to the pound would yield two or three cents only, and that the reduction cost from $40 to $150 per ton, when it should have been effected for $6 to $15.

The chief trouble was inexperience in saving the gold, and in the deceptive nature of the ore; for the rich pockets which had led to the erection of costly mills were found to be contained in the least promising veins. Hundreds were ruined. A reaction set in. Quartz mining fell into disrepute, and mills were left to decay.[14] A few prudent men, and those with very rich ledges, persevered, however, aided by arastras and other simple, inexpensive machinery. Their success spread valuable lessons, which with 1853 led to a revival of confidence, and two years later saw threescore mills in operation, producing over $4,000,000.[15]

[13] The first regular quartz mining co. was the Merced, including J. C. Palmer, prest, Moffat, the assayer, Butler King, and others. *Mariposa Gaz.*, Jan. 17, 1873. The Los Angeles Mining Co. organized about the same time to tear asunder the bowels of a gold mount. 200 miles S. E. of Los Angeles. Its shares were offered at auction Aug. 27, 1850, which was probably the first public sale of mining stock in Cal. Some 10 or 12 sets of machinery had been ordered by different cos. in Grass Valley before the spring of 1851. *Sac. Transcript*, March 14, 1851. Companies were forming in London. *Eve. Jour.*, May 25, 1852. The first incorporated mining company of Cal. was the Boston Bar Co. of 1850. *Hist. El Dorado Co.*, 35.

[14] The erection of machinery ere the vein had been sufficiently opened and tested was a mistake oft repeated. Others sank costly shafts without due surface indication, or drifted from 'chimneys' into barren ground, or trusted to unskilled superintendents.

[15] The official returns not quite complete mention 59 mills, crushing 222,000 tons and yielding $4,082,100. *Cal. Jour. Ass.*, 1856, p. 26; *Id.*, 1857, ap. 4, p. 28 et seq., less complete. Over a dozen more mills were begun before the close of 1855. This compares well with 1853-4, but not with that of

Machinery was now turned to better use, and California added several new processes and improvements with which to advance the industry.[16]

Quartz mining belongs less to the present period than the exploitation of placers, in which progress has been as rapid and extensive as the transformation of the Pacific wilderness into a populous and flourishing state, and the progress is due, not alone to the vastness

1852. *U. S. Census*, 1850, p. 985, which enumerates 108 mills, and a capital of $5,876,000 invested in quartz mining, mostly wasted. *Sac. Union*, March 6, 1855, gives a list of 53 quartz companies. Puffing began again, *Nevada, Jour.*, Feb. 29, 1856, as it had been in 1850–1. *Pac. News*, Oct. 24, Nov. 15, 1850. In 1857 a quartz convention met, which did good service in promoting the branch. *S. F. Bulletin*, June 17, 1857, etc. See, further, *Cal. Courier*, Nov. 25, 1850; *Borthwick's Cal.*, 189, 244, 324; *Hunt's Mag.*, xxvii. 382–3, 445–50; *Alta Cal.*, Aug. 25, Oct. 28, 1852; June 16, 1853; Aug. 16, 1854; July 16, 1855; Feb. 9–24, 1856, etc.; *Grass Val. Tidings*, March–May, 1879; *Sac. Union*, 1854–6; *S. F. Bulletin*, 1855–6, passim.

[16] As will be more fully related in my next vol., stamping and milling was in the Hayward mine reduced to 66 cents per ton. *Cronise, Cal.*, 424. California has borrowed quartz machinery from different nations, from the slow yet effective Mexican arastra, described in *Hist. Mex.*, iii., vi., chapters on mining, this series; the Chilian mill, in which the drag-stone of the arastra is replaced by one or two large wheels to turn on a pivot in the ore-crushing bed; to the square stamp with its vertical fall, which has been the favorite. The mechanical and chemical processes for separating the gold are numerous; for the Californian is ever ready to try the latest and best. A few early local inventions are referred to in *Sac. Union*, Aug. 18, Oct. 22, Dec. 20, 1855; Feb. 12, Dec. 30, 1856; *Alta Cal.*, May 19, Oct. 27, 1856; the latter with frequent special and general reports of mining operations throughout the state since 1848. See also *S. F. Herald*, and after 1854 and 1855, *Sac. Union* and *S. F. Bulletin: Hayes' Mining*, i.–ii., passim. More scattering and incidental are the accounts in *Carson's Recol.*, 10; *Woods' Sixteen Mo.*, 50–4; *Crosby's Events*, MS., 20–1; *Sherman's Mem.*, i. 52; *Capron's Cal.*, 229; *Schlagintweit, Cal.*, 216 et seq.; *Watson's Life*, MS., 7; *Moore's Exper.*, MS., 11–12; *Burnett's Rec.*, 304, etc.; *Coleman's Vig.*, MS., 146; *Tyler's Bidwell's Bar*, MS., 2; *Thomas' Mining Remin.*, MS., 1 et seq.; *Nouv. Annales Voy.*, cxxviii. 325–41; cxxix. 109–20, 353–73; *Harper's Mag.*, xx. 598–616; *Overland*, xiii. 273, etc.; *Hinton's Ariz.*, 88–99; *Roswag, Métaux*, 24–53; *Miner's Own Book*, 1–32; *Thompson's Golden Res.*, 1–91; *Simonin, Vie Souter*, 494, etc.; *Balch's Mines*, passim; *Hittell's Mining*, 22, etc., *Id.*, MS., 4–12; *Phillips' Mining*, 129 et seq.; *Blake's Mining Machinery*, passim; *Gold Mining in Cal.*, 53 et seq.; *Bowie's Hydraulic Mining*, 47, etc.; *Silliman's Deep Placers*, 15–42; the last few books containing more or less comprehensive reviews. Among curious appliances may be mentioned the Norwegian telescope for examining river bottoms; a dirt-boiling apparatus, in *Hunt's Mag.*, xxvi. 513, and the gold magnet and divining-rod superstitions; the former a tiny affair two or three inches square carried over the heart by the prospector, and supposed to give a shock when passing over gold; the rod, a fresh-cut fork of hazel held horizontally by both hands; the point in front tips over ore bodies when carried by appropriately constituted person. Reichenback seeks to explain the principle in his Odic-Magnetic Letters, and many intelligent miners vouch for it. They do not seem to consider that nature is always true to herself, and that if these tests are ever true they are always true. For mining terms, see *Hinton's Ariz.*, ap., 62–7; *Wright's Big Bonanza*, 567–9; *Balch's Mines*, 729 et seq.

of the deposits and the favorable configuration of the country, but to the ingenuity and enterprise of the men who invented and perfected means for exploitation, and knew how to organize their strength for great undertakings. A striking feature in this connection is the number of such operations by miners who possessed few or no resources for them save pluck. Each successive improvement of method by tom, sluice, or hydraulic process, increasing as it did the extent of claims and work connected with each operation, demanded more coöperation, and augmented the number of companies at the expense of individual laborers, whose diminution corresponded to the decrease of rich surface placers and the advent of scientific mining. The massing of forces eliminated the weaker members of the fold, partly under the pressure of lower wages, and drove them to other pursuits for which they were more fitted. The industry acquired further stability in the abatement of nomadic habits, by the growing magnitude of operations which demanded a prolonged stay at one place. Concentrated and improved efforts, not only resulted in a rapid swelling of the gold yield after 1849, but in sustaining the production for years at a high rate, largely from ground which elsewhere, under less favorable configuration and skill, had been rejected as utterly worthless.

California placer gold, tinged in some parts by copper, reveals in the more general paleness the wide-spread admixture of silver, which is especially marked beyond the summit of the Sierra and in the south. In Kern the fineness ranges as low as 600 or 700 thousandths, but increases rapidly northward, until on the Stanislaus it reaches over 900. After another decline to somewhat below this figure, it rises again above it on the Yuba and Feather rivers, that of Butte coming at times within ten thousandths of absolute purity. Beyond this county there is another

abatement to below 900. The average fineness for the state being placed by Dana and King at 880 or 883, which is a fraction above the average for the United States.[17]

Many spots are remarkable for the uniformity of shape in their deposits, of scales, pellets, grains, or threads, and in quartz are frequently found the most beautiful arborescent specimens.[18] It is strange that lumps above an ounce in weight should be so rare in

[17] The lowest quality, whitened by silver admixture, lies on the east side of the Sierra, and in the southern part of San Joaquin Valley. In Kern it falls nearly to 600 thousandths, the other 400 being mostly silver. The average fineness is about 660. In Fresno it rises about 100, reaching in Mariposa an average considerably over 800, and in Tuolumne as high as 950, the average being nearer this figure than 900. King found 920 for Stanislaus county assays, and 850 to 960 for Calaveras. *U. S. Geol. Rept*, 1880–1, 379. The grade declines again until it touches below 900 for the Mokelumne. This applies also for El Dorado, although there the quality varies greatly. On the Yuba it ascends again, several spots reported by Whitney, *Auriferous Gravels*, giving from 910 to 950, with a few also below 900. Several examinations by King in Placer yield 784 to 960, in Plumas 846 to 936, and in Butte 900 to 970; for the latter Whitney has 925 to 950 and for Butte 958 to 980. In Sierra the figure varies greatly, although the average is over 900. Butte county stands preëminent for its fine gold, which has assayed even above 990, and brought $20.40 per ounce. Northward it falls again somewhat. Trinity ranges between 875 and 927, Del Norte 875 to 950, Siskiyou 749 to 950, and samples from Humboldt and Shasta 726 to 940 and 885. The gold bluffs yield about 880. Hittell, *Mining*, 49–50, placed the California average at 855; Dana, *Mineralogy*, raised it to 880; and King, *Geol. Survey*, 1880–1, p. 382, to 883.6, with an average for the United States of 876, Idaho being 780.6, Colorado 820.5, Oregon 872.7, Montana 895.1, Georgia 922.8, Dakota 923.5. See also *Bowie's Hydraulics*, 289–91; *Whitney's Auriferous Gravel; Phillips' Mining*, 3; *Balch's Mines*, etc.; *Sayward's Stat.*, MS., 12–13, by an early gold broker.

[18] Of the smooth water-worn gold usually found in rivers, 'flour and grain' gold, the fineness approaching to flour and gunpowder, belongs mostly to locustrine deposits, and to the gold bluffs. 'Shot' gold samples have been furnished by Secret Ravine, Placer. 'Scale' gold is often of remarkable uniformity. On Yuba and Feather river bars it was almost circular, about one tenth of an inch in diameter. 'Thread' gold has been found near Yreka, and on Fine Gold Creek, Fresno. Of the coarse gold generally attributed to ravines, the crystalline is rare; pellets of the size of peas are presented by Cottonwood Creek, Shasta; at the adjoining Horsetown they took the shape of beans. Gold shaped like moccasons is found in Coarse Gold Gulch, Fresno. Near Prairie City, El Dorado, a long ridge presents shot gold on one side and 'scale' gold on the other. *Alta Cal.*, Dec. 24, 1850, comments on the beautiful leaf gold found at Wood Diggings. The latter form is common in quartz, where the gold, usually ranging between imperceptible specks and streaks, appears also in pellets, in aborescent, denditric, and foliated forms. Fern-leaf specimens are very beautiful, as found near Shingle Springs, El Dorado, some studded with octahedron crystals, as at Irish Creek, Coloma. Blake describes several specimens. *N. S., Pac. R. R. Rept*, v. 300. Most rich quartz crumbles readily, so that pieces for jewelry have to be sought. Marble Springs, Mariposa, furnished the most in early days. *Hittell's Mining*, 44; *Alta Cal.*, Sept. 21, 1854.

actual quartz veins, while the supposed derivatory placers have yielded nuggets by the hundreds from one pound and upward. Australia still holds the palm for the largest piece, but California ranks not far behind. The largest ever found here, in November 1854, from Calaveras, weighed 161 pounds, less some 20 pounds for quartz,[19] which represented a sum

[19] At $17.25 per ounce the estimated value was $38,916. It measured irregularly 15 inches by 6 in width and 4 in thickness. The claim belonged to 5 poor men, 4 Americans and a Swiss, who upon finding the lump, in Nov. 1854, set out for S. F., guarding it night and day. Other accounts reduce the value to $29,000. *S. F. Gazette* and *L'Echo Pac.*, Dec. 1, 1854; *Sac. Union*, Nov. 27–30, 1854, May 24, 1855. It was to be exhibited abroad. *Hunt's Mag.*, xxxii. 255; *Daily Transcript*, Feb. 28, 1866. On the strength of this discovery goes the story, a stranger deposited a nugget of 2,319 ounces at a N. York assay office, which he permitted to be assayed from one point, not wishing to mar the appearance. He obtained a loan of $6,000. The lump was subsequently found to be a gold-covered piece of lead. *Grass Val. Union*, June 18–22, 1872. One of even greater valuation than the 161-lb. lump is said to have been found by Chinese in Aug. 1886, but at present I will confine myself to early annals. *Alta Cal.*, May 11, 1855, refers to a 96-lb. lump from near Downieville; 72 lbs from Columbia Sept. 1854; *Cal. Courier*, Nov. 14, 1850, to 50–60 lbs from the Yuba; a $10,000 piece from Ophir, Sutter co., *Id.*, Dec. 21, 1850; *S. F. Picayune*, Dec. 20, 1850; a 65-lb. from near Columbia, *S. J. Pioneer*, Feb. 16, 1878; also one of 54 lbs from Dogtown, Butte, and one of 51 lbs from French Ravine, Sierra, 1853; 50 lbs with some quartz from near Mariposa, *Placer Times*, Apr. 13, 1850; 500 ounces near Gibsonville, *Alta Cal.*, Oct. 4, 1855; one netting $8,829, *Sac. Union*, May 21, 1855; 33 lbs with 7 lbs of quartz, near Yuba forks, *S. F. Herald*, July 7, 1850; an $8,000 lump near Downieville, 1851; 30 lbs near Sonora, *Sac. Union*, Jan. 16, 1855; 30 and 26 lbs at Vallecito, Calaveras, *Alta Cal.*, May 7, 1854; 28 lbs worth $4,400, Holden's garden, Sonora, *Sawtell's Pioneers*, MS., 5; 27 lbs at Columbia, *Alta Cal.*, Apr. 5, 1854; 400 ounces, at Gibsonville, *Sac. Union*, Oct. 6, 1855; 25 lbs, American North Fork, *Placer Times*, June 23, 1849; and another such mentioned in *Sac. Transcript*, Apr. 26, 1850; 25 lbs, *Mt Echo* and *Alta Cal.*, Sept. 1, 1852; 23 lbs, Sonora, *Pac. News*, May 17, 1850; 23 lbs, French Gulch, *Alta Cal.*, Sept. 15, 1856; 22 lbs on the Calaveras, *Id.*, Dec. 23, 1850; *Polynesian*, vi. 198; *Cal. Courier*, Dec. 25, 1850; also 284 ounces, near El Dorado. Quartz bowlders are several times referred to of about 400 lbs, estimated as high as $25,000. *S. F. Picayune*, Sept. 16, 1850; *Alta Cal.*, March 4, 1854; *Cal. Courier*, Sept. 16, 26, 1850; *S. F. Bulletin*, Oct. 30, 1855. At Carson Hill a piece of 112 lbs was chiselled out in Feb. 1850. *Hayes' Mining*, ii. 46. Several more might be added, for Sonora, round Sonora alone claims eight nuggets between 20 and 30 lbs, uncovered from 1850 to 1855. The list is based mainly on newspaper items. Lumps below 20 lbs in weight are innumerable, and the region round Sonora is the most prolific in this direction, as shown in *S. F. Picayune*, Sept. 16, Oct. 15, 1850, which writes, 'one hundred pieces of gold averaging 12 lbs each have been got out within a few months.' *Cal. Courier*, Oct. 15, 1850; *Pac. News*, May 14, Aug. 30, Oct. 19, 1850; *Alta Cal.*, Feb. 19–21, May 16, 1853; Oct. 9, 1855; *Placer Times*, May 17, 1850; and list in *Hittell's Mining*, 48. Mariposa claimed a goodly share. *S. F. Picayune*, Sept. 10, 1850; *Cal. Courier*, Nov. 16, 1850; *Sac. Union*, Aug. 4, 1855; *Pac. News*, May 10, 1850. The size of Mokelumne pieces is instanced in *Cal. Courier*, Dec. 16, 1850; *Alta Cal.*, Oct. 5, 1852. *Placer Times*, Feb. 9, 1850, refers to a woman near Placerville who took out a 13-lb. nugget; *Hayes' Mining*, ii. 3. Auburn boasted of many fine lumps. *Placer Times*, Feb. 23,

of over $30,000. It is doubtful whether any more lumps were obtained prior to 1856 containing 100 pounds of pure gold, but there are several ranging below this to 50 pounds, and a large number from ten pounds upward.

Those who found valuable nuggets were few as compared with the number who, alighting on remunerative claims, took out fortunes from coarse and fine pay dirt. These especially form the theme of anecdote and newspaper record, all with the usual exaggeration.[20] Instance the prospecting claim on Carson Hill, from which gold was chiselled out in big chunks, and which yielded within a short time some $2,000,000; and such returns as were repeatedly obtained by individual diggers, especially in the numerous 'pockets' of the Sonora region, including Wood Creek, the richest of its size, the bars of American, Yuba, and Feather rivers, with such spots

1850; *Sac. Transcript*, Apr. 26, 1850; *Placer Times*, March 9, 1850; *Alta Cal.*, March 23, 1856. For finds at Grass Valley, etc., *Id.*, March 18, 1854; *Sac. Transcript*, May 15, 1851; *Sac. Union*, June 30, 1855. Scott's River had many specimens. *Id.*, Jan. 27, March 7, 1855; *S. F. Bulletin*, Nov. 30, 1855; *Alta Cal.*, July 2, 1851. See, further, *Little's Stat.*, MS., 12; *Hayes' Mining*, i.–vi., passim, and under different districts in this chapter, as Feather River and Tuolumne.

[20] The results of fluming, sluicing, and other work entailing costly preliminaries by a company are numerous, but hardly belongs to the instances here intended, yet the product of a single claim is to the point, as that of Carson Hill, where big pieces were chiselled out, one of 112 lbs; a single blast yielded $110,000, and within 2 years, says the report in *Hayes' Mining*, ii. 46, over $2,000,000 was obtained. Three men obtained $80,000 on the Yuba. *Cal. Courier*, Nov. 14, 1850; and five are credited with 525 lbs. *Sac. Transcript*, Sept. 30, 1850. A party of 21 gathered $140,000 at Jacksonville. *S. F. Bulletin*, Apr. 28, 1856; *S. F. Picayune*, Nov. 13, 1850. A rich lead was struck on top of a hill. *Sac. Transcript*, March 14, 1851. At Oregon Cañon four men took 300 lbs in coarse gold. *Little's Stat.*, MS., 12. At Sherlock's diggings $30,000 was obtained from a small hole. *Woods' Sixteen Mo.*, 84. One man brought $12,000 from Deer Creek, mostly dug out in one day. *Placer Times*, March 16, 1850. A Mexican took 28 lbs from a 'pocket,' and another $8,000. *Taylor's Eldorado*, i. 246–7. Six are said to have obtained $220,000 from Bear Valley, Mariposa. Murderer's Bar was first worked by three sailors, who averaged 11 lbs daily. *Alta Cal.*, July 15, 1853. Rush Creek lays claim to a yield of $3,000,000. *Barstow's Stat.*, MS., 2. Other similar instances in *Golden Era*, cap. 20; *Sac. Transcript*, Jan. 14, 1851; *Pico, Acont.*, MS., 77; *S. F. Picayune*, Aug. 19, 1850; *Little's Stat.*, MS., 6–7; *Foster's Gold Region*, 17–29; *Torres, Perip.*, MS., 81; *Ballou's Adven.*, MS., 25; *Polynesian*, vii. 7; *Pac. News*, Nov. 10, 1849; *Alta Cal.*, Aug. 2, Dec. 15, 1849; *Fitzgerald's Sketches*, 179–81; *Sherwood's Cal.*, MS., 3. See *ubi sup.* for additional troves and value of mining ground under the districts. 'As much as $2,700 has been washed out from one pan.' *McDaniel's Early Days*, MS., 7.

as Park Bar, Rush and Nelson creeks, where the yield of one day's work frequently fulfilled the brightest hopes of the gold-hunter. The American Middle Fork yielded perhaps the best steady average of gold-dust. All found sooner or later that mining was a lottery, for adjoining claims even in a reputably rich spot might bring to one a fortune, to others nothing;[21] and the veriest tyro might strike a deposit in the most unfavorable place, while experienced diggers toiled in vain.[22]

It was a lottery wherein a vast number of blanks were overshadowed by the glitter of the few prizes. The great majority of diggers obtained little more than the means to live at the prevailing high prices, and many not even that. At times they might find a remunerative claim, but this was offset by periods of enforced idleness in searching for new ground, by waiting for rains or for the abatement of waters, by more or less extensive preliminary work to gain access to the paying strata and making it available, with the aid of shafts, tunnels, ditches, and so forth. In addition to obstacles came the drains of companionship, which absorbed time and money to the enrichment of stores and drinking-places.[23] It was generally admit-

[21] Woods relates a striking case. A dispute arose between two miners concerning a narrow strip between their claims. An arbitrator was called to settle it, who in compensation received the portion of the disputed tract. Within a few hours the two large claims were abandoned as worthless, while the arbitrator found in his strip a pocket yielding $7,435. *Sixteen Mo.*, 57.

[22] It was a common saying that sailors, niggers, and Dutchmen were the luckiest, particularly the drunken old salt. *Borthwick's Cal.*, 66. At Pilot Hill a greenhorn was directed by some fun-loving miners to a most unlikely spot by the side of a hill for taking up a claim; but the joke was reversed when the novice there struck a rich deposit. *Moore's Exper.*, MS., 5–6. The slave of a southerner, who worked with his master, dreamed of gold beneath a certain cabin. This was purchased, and $20,000 was obtained before the ground was half worked. *Borthwick's Cal.*, 163. A cook found $7 in the gizzard of a chicken. *Pac. News*, Nov. 11, 1850. *S. F. Bulletin*, Aug. 22, 1857, relates how a claim fraudulently sold by 'salters' yielded a fortune to the dupe. Many another claim had been abandoned or sold by a despairing or impoverished digger in which the new-comer found a rich spot, perhaps at the first stroke. Hundreds of thousands of dollars were on the other hand expended on flumes and other costly work at times without bringing any returns. Delano, *Life*, 281–2, instances cases.

[23] Traders and speculators secured the most of it. A miner came back to camp after some weeks' absence with what he considered a good yield, only

ted that the steady wage-worker coula show a far larger balance at the end of the year than the average miner,[24] and as a test, one has merely to divide the total annual production by the number of workers to find that their earnings were far below the current wages.[25] In 1852 the average yield for each of the

to find that his wife by laundry work had earned much more. *Ryan's Pers. Adven.*, ii. 1-64. A fair illustration of average success is presented in *Woods' Sixteen Months*, 171-6, showing that in a company of 141 members, two made $15,000 and $7,000 by trading; two made $6,000 each by mining and manufacturing; three made $2,000 by mining, trading, and teaming; two others made $1,500 and $1,000; about 70 made a mere living in mining, etc., and the remainder died or disappeared into obscurity. Woods adds other similar data. Letts, *Cal.*, 102, shows that if a man finds a lead paying $6 a day he does well, but this as a rule lasts only from six to ten days, owing to the limited size of claims. Then comes a week or more searching for a new lead or claim. If he goes far a mule must be bought to carry food, machine, etc. Add cost of living to the expense, and what remains? The cynic Helper, *Land of Gold*, 103-5, 158-65, paints the situation in still darker colors. Auger, *Cal.*, 113-16, and Shaw, *Golden Dreams and Leaden Realities*, 116, etc., take a prosaic middle course, which agrees with the average statement by pioneers in the MSS. referred to in this chapter. Numbers went home with the reputation of having made fortunes, when only a small proportion of the shamefaced and disappointed crowd could point even to a sum equivalent to the salary they might have earned during their absence.

[24] Borthwick, *Cal.*, 190-2, believes that the average earning of the miner who worked was in 1851 $8, but generally not over $3 or $4. Buffum, *Six Months*, 131-2, places the average in 1849 at $8, although a stout persevering man could make $16. Gov. Riley, *Report*, Aug. 30, 1849, agreed with the latter item. Ten dollars, says *N. Y. Herald*, Aug. 3, 1849; *Cal. Past, Pres.*, 112. Only $6 or $8, says Velasco, *Son.*, 307. The average decreased gradually every year. See also *Frisbie's Remin.*, MS., 35, and later references.

[25] The estimated gold production stands as follows:

1848	$10,000,000	1853	$65,000,000
1849	40,000,000	1854	60,000,000
1850	50,000,000	1855	55,000,000
1851	60,000,000	1856	56,000,000
1852	60,000,000		
Total			$456,000,000

Based on a recorded export of $331,000,000, plus unregistered treasure and gold retained for local use. For argument and references in support of these figures, I refer to the chapter on commerce, in connection with shipments of gold and currency. According to the census of 1852, three fifths of the population, about 153,000 out of 255,000, belonged to the mining counties, and 100,000 of this number might be called miners. An official report in *Cal. Ass. Jour.*, 1855, ap. 14, p. 80, also accepts this figure, but reduces it to 86,000 for 1853 and 1854. Dividing $60,000,000 by 100,000 leaves $600 a year as the average earning of a miner; and as many made fortunes as individuals or employers, the average for the struggling majority fell to little more than $1 per day, and this at a time when common labor was still four or five times higher, as shown in the chapter on commerce. The average rate makes the gold cost three times its value. Del Mar, *Precious Metals*, 262-4, has a calculation which brings its cost to five times the value, but he exaggerates the number of miners and the rate of wages, and adds that the low yield caused the death of thousands by privation. Miners could always earn or obtain food. The high wages were due to the preference for mining life. King complains that

100,000 men engaged in mining was only $600, or barely $2 a day, while wages for common labor ruled twice and three times higher. Deducting the profits of employers and the few fortunate ones, the majority of diggers earned little more than $1 a day. This, however, was the culminating year for individual miners, for the lessening share disheartened large numbers and directed their attention to other indus-

in 1849 foreigners, chiefly Mexicans, carried away $2,000,000. *Report Cal.*, 68; and *Sonorense*, March 28, 1851, shows that at Guaymas alone 2,500 marcos of gold were registered. During 1850 there was more than $350,000 besides unregistered introduction. A calculation in *Placer Times*, Oct. 1850, estimates that two thirds of the miners, or 57,000, were mining in the region between the Cosumnes and the upper Feather River, and producing during the average mining season of five months fully $30,000,000, of which Feather River, with 9,000 diggers, yielded $6,400,000, at $6 a day; the Yuba, with 30,000 diggers, $14,400,000, at $4 a day; the Bear, with 3,000 diggers, $1,440,000, at $4 a day; the American, with 5,000 diggers on each of its three forks, $9,000,000, at $5 a day. *Pac. News*, Oct. 29, 1850. *Buffum's Six Mo.*, 131, divides 100,000 miners in Jan. 1850 in five 20,000 groups, one for the American forks, one for Yuba and Feather rivers, two for the S. Joaquin tributaries, and one in various dry diggings. In Aug. 1850, *Cal. Courier*, Aug. 9, 1850, assigned 8–10,000 to the Stanislaus and Tuolumne. *Alta Cal.* assigns 15,000 souls to the American forks on Dec. 15, 1849. Buffum regards the American Middle Fork as most widely permeated with gold. *Six Mo.*, 79–87. The Feather yielded probably the most brilliant results to the first comers, to judge by the items given under this district. The remaining 29,000 diggers were occupied chiefly between the Mokelumne and Tuolumne, with a scattering below and in the north-west, and to them, if the above figures be correct, nearly $20,000,000 must be attributed to make up the $50,000,000 estimated for 1850. With virgin ground and rich pockets, they certainly ought to have made more than the above $4 to $5 average. See also *Lamb's Mining*, MS., and *Hancock's Thirteen Years*, MS., 131–6. The preceding annual total yields are nearly all from placer diggings. Quartz mining was as yet in its infancy, for the 59 quartz mills of 1855 produced only $4,082,100 from 222,060 tons of ore. *Cal. Ass. Jour.*, 1856, p. 26. The report for 1856 reduces the mills to 58. *Id.*, 1857, ap. 4, p. 28–32. Hydraulic work proper also claimed merely a small proportion, although fast gaining strength, as may be judged from the sudden increase of ditches, which from 1,164 miles in 1854, costing $2,294,000, expanded to 4,593 miles in 1855, costing $6,341,700. The increase for 1856 was small, to judge by the less complete returns for that year. Compare above references with *Id.*, 1855, ap. 14, p. 69–91; *Id.*, *Sen.*, 40–3, ap. 5, p. 29 et seq.; *Id.*, 1856, ap. 5, p. 50 et seq.; *Id.*, 1853, ap. 14; 1852, 651–2; *U. S. Census*, 1850, 985; *Browne's Min. Res.*, 15–200; *S. F. Merc. Gaz.*, Jan. 3, 1857; also *Alta Cal.*, *S. F. Bulletin*, and *Sac. Union*, for the close of each year. Also *Id.*, Dec. 23, 1854; Sept. 29, 1855; *Alta Cal.*, Feb. 5, 1853; *S. F. Bulletin*, March 26, May 6, 9, Aug. 23, 1856; *Hayes' Mining*, i. 93–5, etc.; *Hunt's Mag.*, xxiii. 19; xxxv. 121, etc.; *Nev. Jour. Sen.*, 1877, ap. 10, i. 179, introduce comparisons with Australia; *Quart. Review*, lxxxvii. 422; xc. 492; xci. 529; *South. Quart. Rev.*, v. 301; *Revue Deux Mondes*, Feb. 1, 1849; *Jacob's Prec. Metals*, ii. 41; *Rosway*, *Métaux*, 54, etc., have figures on gold yield in the world, with comments on the effect of California's large addition. This subject will be touched in my next volume.

tries which should bring a better and more permanent result. Yet mining had attractions in its independent, unrestrained camp life and roaming intercourse with nature, besides the alluring, though generally delusive, hope of rich returns, which for many years continued to bring fresh recruits to its ranks.

The increase of production from $40,000,000 in 1849, by ordinary digging process, to $60,000,000 in 1852, a figure long sustained, or nearly so, was at first due to the extension of the field over much new ground, and then to the gradual improvement in methods, which permitted larger quantities of soil to be opened and washed at an ever-decreasing expenditure of time and labor, as shown elsewhere.[26] The development of hydraulic and quartz fields brought additional means for checking a decline which otherwise would have been rapid. Measured by the labor expended upon the production, its cost was three times the value. A host of other items may be entered to its debit, such as the disturbing influence of the emigration of gold-seekers, and the loss to different countries of capital[27] and stout arms, a proportion of which succumbed to hardships and danger. Society suffered by the loosened moral restraint of mining life, with the consequent development of vice and increase of crime and bloodshed, and the spread of a gambling spirit which fostered thriftlessness, and disturbed the healthy mental equilibrium.[28] California had further to endure devas-

[26] It is curious to note the gloomy predictions expressed at frequent intervals, whenever a temporary decline in gold remittances agitated commercial fears. In 1849-51 it was generally supposed that the yield would soon be exhausted. After this, doubters became more cautious, yet even local journals raised a wail at times. *Alta Cal.*, Sept. 9, Dec. 31, 1852; Jan. 9, 1856; *S. F. Bulletin*, Apr. 15, Aug. 23, 1856.

[27] The *London Times*, in the autumn of 1849, remarks: 'A great man once said that it was no wonder if Oxford and Cambridge were such learned places, considering how much knowledge was yearly carried thither, and how little was ever brought away. We are almost inclined to apply the same rule to the settlements on the Sacramento. If California is not the richest country upon the earth, it soon ought to be; for all the available capital, whether in goods or cash, of the Indian, Pacific, and the Atlantic seaboards, appears to be despatched to San Francisco,' showing so far a large balance against the placers.

[28] Compare statistics of insanity in Cal. and elsewhere. The effect of ex-

tation of soil by the washing away of fertile surfaces, and the ravaging of others by noxious gravel deposits, and of streams by pollution and fillage.[29] On the other hand must be considered the great and enduring good effected by gold-mining, and the movements to which it gave rise; the impulse received by trade and industries throughout the world through the new markets and traffic, besides affording additional outlets for surplus population; the incentive and means for exploring and unfolding resources in adjoining and in new regions, and enriching them with settlements. The gold discoveries in Australia, British Columbia, and half a dozen other countries, with their trains of migration and prosperity, followed closely on the California event.[30] The United States was at one step placed a half-century forward in its commercial and political interests on the Pacific, as marked by the opening of the sealed ports of China and Japan, partly by steamers which completed the steamship girdle round the world, by the construction of the Panamá railway, and by the great transcontinental steam line. The democratic principles of the republic received, moreover, a brilliant and effective demonstration in the equality, organizing skill, self-government, and self-advancement displayed on the Pacific coast. That is to say, at one breath, gold cleared a wilderness and transplanted thither the politics and institutions of the most advanced civilizations of the world.

posure and privations in the mines was to some extent balanced by the value of the training in strengthening many constitutions.

[29] Helper, in his *Land of Gold*, 23–31, makes a formal list of losses standing to the debit of California, the purchase-money by U. S., the wages of her population, the cost of transport to and fro, losses by conflagrations, by wrecks and debts, which alone would cover the value of the gold by 1855 threefold. He might have added the cost of the war of conquest, the value of steamers and other connecting service, the capital invested in and with California, and lost in trade, etc., the expenses of Indian wars, and so on. He looks only on the dark side, and fails to find compensating good.

[30] A mania set in for discovering gold, and in 1852 alone it was found in ten countries, Siberia, New Zealand, South America, etc. Men swarmed from California to all parts of the Pacific, as diggers, adventurers, manufacturers, capitalists. *Quart. Review*, xci. 512, has pertinent remarks on the Australian gold discovery

General mining authorities are: *Cong. Globe*, 1848–9, pp. 257–8; 1849–50, app. 22–3, index, p. xviii.; 1850–1, 4; 1851–2, 18; *Helper's Land of Gold*, 103–5, 151–7, 160–5; *Carson's Early Recoll.*, 5–9, 17, 19, 39; *Crosby's Events*, MS., 14, 16–17, 19–22, 25; *Coleman's Vig. Com.*, MS., 146; *Sutter*, in *Cal. Assoc. Pion.*, N. Y., 1875, 53; *Sherman's Mem.*, i. 52; *Simonin, Vie Souter.*, 409–10, 419–20, 494, 498, 541–8; *Rivera, Hist. Jalapa*, iv. 371; vi. 371; *Pico, Doc.*, i. 191; *Id., Acont.*, 77; *London Quart. Rev.*, lxxxvii. 416–23; xc. 492–502; xci. 505–6, 512, 529–40; *Low's Stat.*, MS., 3–4; *Larkin's Doc.*, vi. 107; *Id., Off. Corr.*, ii. 55; *King's Rept Cal.*, 68; *Id., Geol. Explor.*, iii. 1–9; *Del Mar's Hist. Prec. Metals*, 165, 260–5; *Fowler's Dict.*, MS., 14 et seq.; *Lamb's Mining Camps*, MS., passim; *Lane's Narr.*, MS., 108–112; *Shaw's Golden Dreams*, 33–4, 59, 87–8, 116; *Silliman's Deep Placers*, 15–23, 39–42; *Hittell's Hist. S. F.*, 127–8, 289, 462; *Id., Mining*, 2–8, 20–22, 36; *Id., Land Cases*, MS.; *Dietz' Our Boys*, 166–71; *Ashland (Or.) Tidings*, Aug. 9, 1878; *Crane's Past, Pres.*, 23, 29–30, 112, 184–9; *Cal. Statutes*, 1850, 221–2; 1851, 424; 1852, 295; 1853, 63; 1854, 166; 1856, 141; *Annals S. F.*, 417–18; *Esmeralda Herald*, Oct. 4, 1879; *El Dorado Co. Hist.*, 117; *Cal. Comp. Laws*, 1850–3, 218–22; *Delano's Life, etc.*, 281–2, 290; *Anthony's Siskiyou Co.*, MS., 6–14; *Moore's Pion. Exp.*, MS., 5–12; *Nouv. Annales Voy.*, cxx. 365–74; cxxiii. 225; cxxviii. 325–41; cxxix. 109–24, 225–46, 353–64; *Roswag, Métaux*, 24–53; *Cal., Jour. House*, 1850, 802, and index 'min. lands;' 1852, 829–35; 1853, 704–5, 715; 1855, 893, app. no. 14, pp. 67–91; 1856, 24–7; 1857, no. 2, 31; no. 4, 28–38; *Cal., Jour. Sen.*, 1850, 1302, 1342; 1851, 591–8, 660–3, 683–701; 1852, 651–2, 659–65, 755; 1853, 638, 649, 715, app. no. 3, 55–6; 1854, 586; 1855, 40–3, 905, 915, app. no. 3, 27, app. no. 5, 29, 86–8; 1856, 400–1, app. no. 5, 50–7, 220–324, app. no. 22, 6; *Burnett's Recoll.*, MS., i. 367, 396–7; ii., passim; *El Sonorense*, March 21, 25, 28, Apr. 8, 15, Aug. 16, Sept. 27, Nov. 29, Dec. 22, 1848; *Avila, Doc.*, 225; *Frisbie's Rem.*, MS., 35; *Cronise's Nat. Wealth*, 132; *Nev., Jour. Sen.*, 1877, app. 10, pp. 179–81; *Northern Enterprise*, March 20, 1874; *Rockwell's Span. and Mex. Law*, 507–94; *Hunt's Merch. Mag.*, xxvi. 513; xxvii. 382–3, 445–50; xxxii. 255; xxxv. 121–2; *Overland Monthly*, xiii. 273–80; xiv. 321–8; *Miner's Advocate*, Nov. 25, 1854; *Present and Future*, July 1, 1853; *Dean's Statement*, MS., 2–5; *Miner's Own Book*, pp. 32; *El Mineur*, June 29, 1856; *Russian River Flag*, Jan. 22, 1851; *Mining Review*, 1876, 6, 8, 17–18; *Steele*, in *Or. Jour. Council*, 1857–8, app. 42–3; *Ross' Narrative*, MS., 13–17; *Ryan's Judges and Crim.*, 79; *Id., Pers. Adv.*, ii. 1–64, 296–8; *Havilah Courier*, Sept. 8, 1866; *Harper's Mag.*, xx. 598–616; *Oakland Gazette*, Apr. 19, 1873; June 19, 1875; *Roach's Stat.*, MS., 5–6; *Revere's Keel and Saddle*, 160–4, 251–4; *Randolph's Stat.*, MS., 51; *Simonin, Les Mines*, in *Revue des Deux Mondes*, Nov. 1875, pp. 286–8; *Crusoe Island*, 336; *A. M. Comstock*, in *Vig. Com. Misc.*, 36; *Los Ang. Herald*, Dec. 23, 1874; *Los Ang. Ev'g Express*, May 29, 1872; *Sac. Bee*, Jan. 16, 1874; *Sac. Record*, Sept. 10, 1874; *Sac. Rec.-Union*, Nov. 3, 1877; *Delessert, Les Mines*, in *Revue des Deux Mondes*, Feb. 1, 1849, pp. 478–83; *Taylor's El Dorado*, i. 60–1, 87–9, 92, 101–3, 110–11, 191, 205–7, 246–8; *Id., Spec. Press*, 15½, 150, 150½, 265–6, 290½, 296, 391½, 431, 437–9, 441, 451, 453, 500, 581½; *Revue des Deux Mondes*, Feb. 1, 1849; *Lloyd's Lights*, 155, 508; *Quincy Union*, Dec. 9, 16, 23, 30, 1865; *Frignet, La Cal.*, 83–4, 99–103, 105–8; *Or., Jour. Council*, 1857–8, app. 42–3; *Navarro Leyes*, Feb. 1856, 363–9, 551–6; *Nev. Journal*, Aug. 3, Nov. 23, 1855, Jan. 18, Feb. 29, 1856; *Nevada D. Transcript*, Feb. 28, 1866; *Nevada D. Gazette*, May 10, 1866; *Nev. City Tri-weekly Herald*, May 23, 1878; *Hist. Nevada*, 170–206; *Nevada-Grass Val. Direct.*, 1856, 10–12, 28–32; *Direct. Nev. Co.*, 1867, 32–3, 48–9, 61–2; *Thomas' Mining Remin.*, MS.; *Hancock's Thirteen Years*, MS., 131–6; *Pion. Mag.*, iv. 345; *Colusa Co. Annual*, 1878, 46; *Buffum's Six Months*, passim; *Frémont's Amer. Travel*, 99, 103–4; *Direct. Placer Co.*, 1861, 13; *Thompson's Golden Res.*, 1–91; *Soulé's Stat.*, 3–4; *S. F. Picayune*, Aug.–Dec. 1850, passim; *Hinton's Ariz.*, app. 62–99; *Eureka West. Coast Signal*, March 19, 1873; *Portland Bulletin*, Aug. 3, 1872; *Placerville Repub.*, June 27, 1876; *Placerville Democrat*, July 1, Aug. 19, 1876; *Colton's Three Years*, 274–5, 280–1, 306, 339; *Armstrong's '49 Experiences*, MS., 13–14; *Merrill's Stat.*, MS., 5–10; *Foster's Gold Region*, 17–29; *Connor's Stat.*, MS., 2; *Grass*

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CHAPTER XVII.

BIRTH OF TOWNS.

1769–1869.

Mexican Town-making—Mission, Presidio, and Pueblo—The Anglo-American Method—Clearing away the Wilderness—The American Municipal Idea—Necessities Attending Self-government—Home-made Laws and Justice—Arbitration and Litigation—Camp and Town Sites—Creation of Counties—Nomenclature—Rivers and Harbors—Industries and Progress.

For three quarters of a century California had been a colonial appendage of Mexico, occupied as a military frontier, with friars to superintend the subjugation of the natives, and convert them into citizens useful to themselves and to the state. They were, for lack of ready material, to swell the ranks of the colonists, who, under protection of the sword and cross, formed nuclei for towns, raising up in due time a self-sustaining province of tribute-paying subjects. The missions being gradually changed into locally self-governing pueblos, the teaching and protecting friars and soldiers were to pass onward with the extending border line. But the Mexicans did not possess the true spirit of hard-working, thrifty colonists and home-builders. They were easily deterred by such obstacles as distance from convenient centres and home associations, especially when their indolent disposition was disturbed by danger from beasts and savages. Even for contiguous states within the republic, colonization had to be fostered by military settlements, with semi-compulsory enlistment; hence progress fell into the ruts of

slow pastoral life, in which the well-known prolificness of the race ranked as chief factor. Under like conditions there would have been like drawbacks, only in less intensified degree, when California became a part of the United States. Development would have been very gradual but for the same incentive which had promoted the occupation of America, and the rapid extension of Spanish conquests to the borders of Arizona—gold. The broader effect of its discovery was here greatly owing to the facilities provided for immigration by a more advanced age, no less than to the energetic, enterprising character of the chief participants.

The Anglo-Americans were in good training for the conquest of nature. During the past two centuries much of their time had been spent in subduing the wilderness, in killing off the wild beasts and wild men, and planting settlements along the gradually retreating frontiers; so that when they came to California they were ready to make short work of whatever should stand between them and that grand development which was to see a valley of pathless plains and silent foothills blossom within one brief year into countless camps and busy highways. Before this their adventurous vanguard had displayed to easy-going pueblo dwellers their bent for city building by planning more than one pretentious site; but it was in the mining region that this talent was to appear in impromptu evolutions, out of which should spring regulations so admirable in principle and adaptability as to serve as a basis for later communities, and to eclipse the century codes of Europe.

The concurrence of the miners at some promising locality, and the demand of numerous and less fortunate late comers, called for a distribution or readjustment of ground claims on the principle of free land and equal rights, at least among citizens of the United States, as title-holders, and with special consideration for the discoverer. This was the foundation of the mining-camp system.

The miners were an ultra-democratic body, priding themselves upon an equality which to the present end manifested itself in according free and full voice to every person present. True, might here also retained a certain sway, permitting the bully at times to override the timid stranger or the stripling, and ever giving precedence to the preponderance of brain, of tact, of fitness, which required assurance, however, to make its way in the jostling crowd. The only injustice countenanced in general assembly was perhaps in the direction of race prejudice. A large proportion of the people had been trained partly in local political clubs and movements, partly in the rules and coöperative duties of overland companies; and the need of partners for labor and camp routine tended to sustain the practice, frequently defined by written rules,[1] but tinctured by a socialism of the fraternal type.

With the Germanic trait of swift adaptation of means to ends, so highly developed among Americans, the first indication of a gathering community or the brewing of public questions was signalized by a meeting for framing rules and appointing officers to watch over their observance. The emergency found both able leaders and intelligent followers. A committee was promptly nominated of men with clear heads and perhaps legal experience; and their project for regulating the size and tenure of claims, the settlement of disputes, recording titles and enforcing order in the camp, would be enunciated by the chairman from the commanding elevation of a tree-stump or empty provision barrel, and adopted with occasional dissent, article by article, by show of hands or word of mouth.[2] The

[1] Concerning the share in expenses, household and mining labor, tools, yield, etc., as shown in the chapters on mines.

[2] For rules, see the chapter on mining. In due time the boundaries of districts were given to which the rules applied. The use of water, encroachments, rights of foreigners, recorder's duties, meeting place and procedure, the sale of claims, fees, amendments, etc., received consideration, although not at all meetings, the earliest rules covering as a rule only a few essential points. Each camp was a body politic by itself, asking leave or counsel of none others; and thus arose a lack of uniformity, which in due time, however, was modified through the lessons brought by intercourse.

prevalence of distinct rules, even in closely adjoining districts, was no doubt confusing, but they had the merit of better suiting the requirements of its occupants and the nature of the environments than a general code, which frequently proved obstructive by inapplicable features. In some camps hearsay sufficed to rule proceedings subsequent to the first distribution, but usually a recorder was chosen to register claims and decide disputes. Compromise formed here the leading feature of Anglo-Saxon adjustment, until complex society and interests gave predominance to lawyers.[3] In grave cases, or in those of wide application, a gathering was called,[4] from which judge, jury, and defenders might be chosen to hold trial. Conventions were also ordained for stated periods to consider the condition of affairs and effect improvements.[5] A public jealous of its rights, and with ready views, kept guard over proceedings, and assisted with fixed or voluntary and casual contributions to form a financial department for the simple and honest administration of affairs.

Larger camps found it prudent for order and administration to install a permanent council,[6] with more

[3]As a rule, questions were submitted to neighbors. Some districts designated a special arbitrator, or a standing committee sworn by the alcalde. Fees ranged from $2 or $3 to 50 cents, at times with mileage added.

[4]At the instance of any one, although it was left to the summoned persons to disregard the appeal if trivial. A vote on the spot might settle the question; otherwise a presiding officer, judge, jury, and defenders would be chosen; witnesses were summoned, and a written record was kept. Any one was permitted to prosecute, while liable to be called out as executive officer. In civil cases the jury was often restricted to six men for the sake of economy. There were plenty of lawyers among the miners, who appeared when called upon. Although decisions were as a rule prompt, with enforcement or execution within a few hours, yet at times days were consumed to accord full weight to testimony. The fund derived from registration of claims provided for the costs; otherwise collections or assessments were made, particularly to pay the sheriff. The alcalde used to receive his ounce of gold for a trial, jurors probably $5 for a case, and witnesses actual expenses. Two rival claimants to a deposit at Scott Bar, Klamath River region, once sent to S. F. for lawyers and judge to conduct the case. The winners paid the cost.

[5] With the aid of delegates from other districts, and to annul obnoxious rules. Instance the six-monthly meetings at Jamestown, and those of Brown Valley in Jan. and Aug. 1853. Claim-holders had in some places to attend. Instance also the 'hungry convention' at Grass Valley during the winter of 1852–3.

[6] As at Rough and Ready, where three citizens composed it. The stand-

or less extended sway. Others adhered, under the guidance of earlier arrivals, to the existing form of local government by chosing an alcalde. This semi-oriental feature was indeed upheld by the military governors, who preferred to interfere as little as possible with Mexican customs pending congressional enactments.[7] But the American alcalde had about him little of the autocratic and parental control accorded to his southern prototype, whose subjects were so largely composed of servile Indians. The prevailing sense of intelligent equality quelled assumption. Yet a certain degree of arbitrary power was exercised by him to save precious time. Guided by simple equity, and occasionally by some code from an eastern state, his decisions were, as a rule, abided by, with rare appeal to, the governor.

In 1850 the state laws ordered alcaldes to be replaced by justices of the peace for every township, with jurisdiction of no mean grade;[8] but several places incorporated as towns and cities,[9] burdening themselves often too hastily with an elaborate staff of offi-

ing committee of arbitration was a form of it. At Sonora a regular town council of seven, with a mayor, was chosen in Nov. 1849, in connection with a movement to establish a hospital.

[7] As late as Aug. 1849 Gov Riley ordered an election of alcaldes and other local officials. See remarks on Nevada, Sonora, Marysville, and Sacramento, and in the chapter on S. F. 1849; also Riley's favorable comment on the mining alcalde. Rept of Aug. 1849; *Taylor's Eldorado; Ryan's Advent.* In Southern Cal. the alcalde spirit lingered long under Mexican officials. *Sta Barb. Arch.*, 77–115, passim, 1854, etc.; and *Vallejo, Doc.*, xxxiv.–v. A constable was early chosen to aid the alcalde.

[8] Chiefly because they were empowered to settle mining cases of any value. The townships at this time extended at times over an average county.

[9] In some cases town organization had been effected too hastily, for a charter from the legislature was required to give it legality. The existing council at Sonora was accordingly disbanded till this document was obtained. Nevada fell into debt, dismissed her officials, and reincorporated under a cheaper charter; San Bernardino suffered a relapse in the Mormon exodus; Benicia was overshadowed by S. F., and so forth. The first rules governing such incorporations are given in *Cal. Statutes*, 1850, 78, 128. The population necessary for towns must exceed 200, whose government was assigned to five trustees, elected annually, with a treasurer, assessor, and marshal. For cities the population must exceed 2,000. The officials to be elected were mayor, marshal, police judge, and a council of at least three members, one for each ward; term not to exceed two years. These rules were elastic, for old Alameda was incorporated in 1854, when the population on the entire peninsula barely exceeded 100; and Benicia and others assumed city garb with less than 2,000.

cials under the selfish manœuvring of politicians and speculators. Taking advantage of the unsettled condition, and the business preoccupation among citizens, these worthies furthermore proceeded to divert local resources to their own ends, and ingulf the settlement in debt by useless or extravagant measures from which they sought enrichment. They sold offices to the highest bidder, and by the complexity of departments and routine they manipulated justice to shield the corrupt, by whose support they sustained themselves.[10] These were among the causes which converted larger towns into hot-beds of crime, the refuge of a class driven from camps and other places ruled by the fear-inspiring swiftness of a miners' court.[11]

The site of mining camps received apparently little of the consideration governing the location of settlements. In the rush for gold, nothing was thought of save the momentary convenience of being near to the field of operation. And so they sprang up, often in the most out of the way spots, on the sandy flat left by retreating river currents, along the steep slope of a ravine, on the arid plain, on the hilltop, or in the cul-de-sac hollow of some forbidding ridge, with lack or excess of water, troublesome approach, and other obstacles. Even the picturesque faded fast as the foliage fringe round the white-peaked tents was reduced to shorn stumps, midst unsightly mounds of earth, despoiled river-beds, and denuded slopes, the ghastly battle-field of Titanic forces. The chief conveniences were due to the store-keepers and liquor dealers, who, with a keen eye to the main chance, followed in the train of the diggers; and while planting themselves on the most conspicuous spot, were prompted, on public grounds, although for private gain, to demand for

[10] See the chapters on S. F., and the sections on Sac., Oakland, etc. Under the county notes are shown instances of incorporation. As Gwin came to Cal. with the express aim to legislate for her, so others flocked hither to gather the crumbs of local management.

[11] Compulsory in a great degree, owing to the lack of prisons and keepers for affording delay for trials.

residents and wayfarers an outline for a street with ready access to their bar and counter. Along this thoroughfare clustered the shrines of Bacchus and Fortuna, gambling-halls, shed-like hotels, and other adjuncts of life and traffic, corresponding to the extent and prominence of the diggings. In most cases the solitary and perhaps crooked main street formed the only avenue among the cluster of tents, brush huts, and log cabins; in others the camps were scattered at frequent intervals, especially along the Stanislaus. Occasionally a rich field drew a gathering of thousands within a few weeks[12] to one point, which, like Sonora, Columbia, Placerville, and Nevada, became the centre for a number of minor groups, and marked its stages of progress by such significant features as the transformation of early canvas structures and sheds into frame buildings, and these again sometimes into substantial brick edifices; the appearance of a local newspaper; the introduction of sewers and water-works, and finally gas, the crowning affirmation of permanent prosperity, more so than the documentary claim presented in a city charter, whose pretensions were frequently swept away by disincorporation.

As centres of mining districts they often controlled a flourishing trade over a large extent of country,[13] until the growth of population demanded a division with new or subordinate rallying points. In due time they became aspirants for the honors of a county seat, some by influencing the creation of a county, on pleas similar to those for organizing districts—public convenience[14]—but which were widely stretched

[12] Any of the rich streams, Stanislaus, Yuba, Feather, furnishes instances, as shown in the note on counties, and in the chapter on mining. Sonora and Nevada are among the best known.

[13] To which physical obstacles, as ravines, rivers, and ranges, and the attendant convenience assigned the limits. The moment these created objections a new district was formed without even consulting the mother district. Rules were modified to suit the change and wishes of the majority occupying the new centre. At times camps united also for certain objects. Districts were frequently cut in two by the arbitrary border lines of counties, yet this seldom affected their organization or unity.

[14] The legislature was swayed greatly by whim and political intrigue in creating counties. Sections like El Dorado and Calaveras were long left in-

to suit the fancy of speculators and politicians, in and out of legislature. Others managed by a preponderating vote and interest to wrest the dignity from less powerful towns.[15] In many instances

tact, although counting already in 1850 a population of over 20,000 and 16,000 respectively, and presenting numerous internal obstacles, notably in steep ranges and rugged divides; while other regions, like Mendocino, with a white population of only 55, and small prospects for advancement, were accorded equal status. Compare also the contemporaneous segregation of Colusa, Yolo, and Solano, with ready means for intercourse and a scanty population, except in a few spots, and the limitation of Marin to a mountainous corner, while the adjoining Sonoma revelled in a fertile expanse, with jurisdiction in a measure as far as Humboldt. Subsequently such small sections were lopped off as rich Amador on one side of the Mokelumne, and barren Alpine on the other. Lassen was granted autonomy to please a few growlers, while similar louder and sounder complaints elsewhere remained unheeded. Del Norte and Klamath were given the sway of their respective rocky circuits; and when the latter speedily sought relief from the privilege, its terrain must needs be awarded to the already cumbersome Humboldt and Siskiyou, without a share to Del Norte, for which proximity and natural boundaries designed it. According to the act of Apr. 22, 1850, the petition of at least 100 electors was required for organizing a county. Later the *Sac. Union*, Apr. 11, 1855, etc., objected to a voting population as a basis. The *Political Code of Cal.* divides the counties into three classes, the first with a population of 20,000 and over, the second with 8,000 and upwards, the third below 8,000, with boards of supervisors numbering 7, 5, and 3 members respectively, each representing a supervisor's district for a term of three years, a portion of the board retiring annually. Its meetings are fixed for the first Monday in Feb., May, Aug., and Nov., the books kept by it covering minutes of proceeding, allowances from the treasury, warrants upon the treasury, list of franchises granted, and records of roads and works. Of county officers, every two years, as judge, sheriff, treasurer, clerk, auditor, recorder, attorney, surveyor, coroner, assessor, collector, school superintendent, public administrator, and commissioners of highways, several positions may after due notice be consolidated in counties of inferior rank, for the sake of economy, the clerk, for instance, acting also as auditor and recorder. For townships, subordinates could be added to the indispensable justices of the peace and constables, and every official, except judges, supervisors, and justices, could appoint the needful deputies. With several, residence at the county seat was compulsory for obvious reasons. Bonds ranged from $100,000 for treasurers in the first-class counties, to $5,000 for school superintendents and coroners, the proportion in third-class counties being about one fifth these amounts. Changes have been made under this heading, as well as that for pay. Instance, proposed reforms in *Cal. Jour. Sen.*, 1867–8, ap. 78. One act abolished the supervisor office in several counties. *Cal. Statutes*, 1854, 280. Other reforms are indicated by the assessment list, which raised valuations for 1873–4 to nearly three times the amount ruling in 1872–3. Property in Oakland, for instance, then valued at $6,600,000 was in 1873–4 assessed at $18,500,000.

[15] Placerville gained it from Coloma, and quelled the aspirations of several rivals. In Yolo the dignity was tossed from one village to another, as different speculators obtained the upper hand. In the south San Joaquin counties the railroad founded towns and aided them to seize the prize. In Alameda Oakland snatched it by force of vote from a more central locality. In some other counties, as Solano, a central point was specially located as the seat. Several towns owe their existence chiefly to a retention of the officials. Humboldt county was moved to secession from Trinity, because the seat was transferred to inland Weaverville

private efforts supplemented a natural expansion in moving the centre of a town to some addition, or former suburb.[16] This has been notably the case in the pueblos of the south, where the adobe dwellings of Mexican days generally form a quarter by themselves, designated as the old town, while the new or American sections present the characteristic blocks of frame dwellings in the midst of gardens, or with a yard in the rear and a flower or lawn patch in front, radiating from brick-lined business streets.

Notwithstanding their recent beginning, the history of the great proportion of mining towns is traditional or obscure, owing to the erratic course of mining movements. Their origin is too frequently loosely ascribed to some sudden influx of diggers, guided by vague rumor; but these so-called first-comers had been often preceded by a band of workers who had for some time veiled their operations in secrecy, and these again by some prospector who was ever flitting on the outskirts of the districts, probing into virginal ground. Frequently the only record lies embedded in the name. Yet this, if a personal appellation, indicates, perhaps, only the trader whose store, as the general rendezvous, gave name to the spot. More generally it points to some incident or feature connected with the site or founding, for California names are certainly as significant as they are varied.[17] They mark the progress of

[16] At New San Diego, Horton's addition gained the supremacy. In S. F. the centre has moved away from Portsmouth square, and even the city hall here has been supplanted.

[17] The earliest Spanish explorers by sea left their records along the coast as far as Trinidad, to which later English navigators added names like Point St George, always remembering such localities as Drake Bay. The Russians, who actually occupied the country, are only indirectly recalled in Russian River, Fort Ross, Sebastopol; Mount St Helena being their solitary christening. The terms of French cruisers failed to remain, but cognate trappers blazed their path in the interior as marked by Cache, Butte, and as some have it, Siskiyou and Shasta, while a Danish confrère is remembered in Lassen. In the south Mexican designations naturally predominate, and they certainly surpass all others for beauty. Observe the melodious San Juan, Santa Cruz, Tamalpais, Santa Rosa, the majestic Mendocino, Del Monte, the sweet Alameda, San Benito. True, the frequent recurrence of the San, and its feminine Santa, present a detracting monotony, for which are responsible

explorers from the time of Cabrillo and Drake to the era of missionaries and trappers. The Spaniards had

partly the friar element in exploration and management, partly the religious custom of applying the name of the saints which figure for every day in the calendar alike to the new-born babe, or to the discovered site of the proposed town. The sacred prevails also without the saint, as in Los Angeles, Trinidad, Sacramento. The descriptive profane appears in Caliente, Posas, Gatos, Pescadero, Sauzalito. The *ito* is a common diminutive ending, often caressing in import. Spaniards have not neglected the devil and his ilk, as in Monte del Diablo, but the application differs from the American in being of superstitious source. Bare terms like Pájaro, bird, and Soledad, solitude, are peculiar. A certain concession is shown, especially by intelligent Americans, for Indian names, partly in justice to the original lords of the soil, partly from a taste for the antique and melodious, and native words are not deficient in liquid beauty. Instance the soft intonation of Sonoma, Tehama, Wyeka, Inyo, Napa, Yolo, which are compact; while Chowchilla, Tuolumne, Suisun, Klamath, savor of the barbaric. Americans have not always preserved these, or even Spanish terms, uncorrupted. To Wyeka they have added the *r* so widely lacking among aborigines, and made it Yreka; of Uba, Yuba; San Andreas of San Andrés; Tulare instead of Tulares or Tular; Carquinez in place of Carquines, *es* being the Spanish plural. The K initial here applied by the original recorder was due to ignorance. Some appellations, as for the islands Angeles and Yeguas, have been translated into Angel and Mare islands.

In the northern half of the state American designations prevail, save in occasional deference to Indian and Spanish, the latter usually due to pioneers dating before 1849, who had acquired a smattering of or liking for Spanish forms. The terms are as a rule both appropriate and expressive, although tinged too much by the looseness and hairbrained recklessness of the flush times, with their characteristic abjuration of elegance. Like the Spaniards, they displayed a bent for the supernatural, while substituting the satanic for the saintly. Never, indeed, was the devil better remembered, even though the spots dedicated to him harbored little of the complimentary. Instance especially the Geyser regions. Other common and characteristic terms were drawn from the prevalent drinking and gambling, as Whiskey, Brandy, and Drunkard's bars, Keno, Euchre, and Poker flats, etc., with Fiddletown of cognate revelry. The general application of nicknames among comrades was widely recorded, with the striking trait of the victim, as Jim Crow, You Bet, after a man using this expression, Red Dog, from the owner of such an animal, Ranty Doddler; also Greenhorn, Loafer Hill, Chicken Thief Flat. Nationality was frequently added, as Yankee Jim's, Dutch Flat, Hoosier, Buckeye, Nigger Bar, Greaser and Chinese flats. The superstitious element occurs in the many Horseshoe bars and Last Chance. The repulsive have often been transformed into neater shape, as Lousy Level or Liar's Flat into Rice's Crossing; yet Shirt-tail Cañon lingered. Scholarly affectation has been left unchallenged in Alpha and Omega, and puritan selections are revealed in Havilah and Antioch. The common Rich gulches and bars point to strokes of fortune. Gold Hill, Ophir, and Eureka have also been frequently applied, though replaced by less hackneyed terms to prevent confusion. Localities denoting disappointment are equally numerous, as Pinch-em-tight, Bogus Thunder, Liar's, Humbug, and Poverty flats, the latter two being frequently paraded, although the better known of these places have proved misnomers; indeed, they were frequently applied by lucky finders to frighten away rivals. Many are the spots commemorative of misfortunes, as Murderer's bars and gulches, Hangtown, Gouge Eye, Dead Man's Gulch. These are relieved by a large sprinkling with natural features, as Otter, Grizzly, Jackass, Wildcat, with ironic allusions, Red Bluff, Green Mountain, Deadwood, Blizzardville. Honorary and patriotic names

time to stamp little more than the southern coast region with a nomenclature characterized by saintly form and melodious and stately ring. A portion of the Indian terms preserved by antiquarian taste and sense of justice falls not behind in liquid beauty. Both have been to some extent corrupted by Americans, who filled the north and interior with their expressive and descriptive terms, tinged in the mining region by the loose and reckless spirit of the flush times, with their predilection for slang and nickname, blunt terseness and waggery. Camp, bar, flat, run, slide, are among the peculiar affixes here supplementary to the hackneyed ville, city, ton, burg.

The large proportion of camps have disappeared with the decline of mining. Some fell as rapidly as they had risen, when the rich but scanty surface gold which gave them life was worked out. Everything partook of the precarious and unstable marking this era of wild speculation and gambling. Never was there a place or people where the changes of life, its vicissitudes and its successes, were brought out in such bold relief as here. The rich and the poor, the proud and the humble, the vile and the virtuous, changed places in a day. Wild speculation and slovenly business habits, together with the gambling character of all occupations, and the visitations or benign influences of the elements, and a thousand incalculable incidents usually

abound, as in Rough and Ready, after Gen. Taylor; Fremont, Jackson, Carson, Visalia, after Vice; with home associations in Washington, Boston, Bangor, Alabama; Timbuctoo has a humorous twang, and Bath an English aspect. The hackneyed form of ville is due more to the personal ambition of founders than to poor taste; burg is less frequent than the addition city and town, which are so grandiloquently applied even to petty collections of huts. Nomenclature is frequently accorded paragraphs, especially in country journals, and in most instances commentators allow themselves to be deluded by casual resemblances to words in foreign languages. They actually hunt vocabularies for terms to fit their hobby, as marked notably by the calida fornax explanation for California, the Narizona or arida zona forms for Arizona, Orejones for Oregon, instead of recurring to the more likely aboriginal sources. Compare *Argonaut*, July 26, 1879; *Alta Cal.*, June 29, 1870; Sept. 17, 1871; Aug. 22, 1886, etc.; *Sta Rosa Democ.*, Nov. 12, 1870; *Russ. River Flag*, June 20, 1870; *Hittell's Res.*, 422–8; *Id.*, *Mining*, 44–6; *Cath. World*, ii. 800; *Hayes' Cal. Notes*, ii. 48. Taylor, *Eldorado*, 151, was particularly struck by Hell's Delights and Ground Hog's Glory. *Helper's Land*, 150, 176, etc.; *Williams' Pac. Tourist*, 205; *Hearne's Sketches*, MS., 4–5.

classed in the category of luck, were constantly lifting up one and pulling down another, inflating this town or district and shrivelling that. Brick stores and flashy residences displace the cloth tents and rude cabins of the mining camp that suddenly displays its treasures in bright abundance; and almost in a day sometimes when the pockets of the placers appear abruptly empty the town collapses, the houses are deserted. Some lingered for years the victims of countless ordeals, of sweeping fires, which befell almost every town in this inflammable land;[18] of undermining and removal to more favored localities.[19] Finally yielding, they left as record of the struggle long lines of tottering edifices and unroofed cabins, with here and there crumbling walls of brick to signal the extent of the defeat,[20] and around, the desolate aspect of denuded slopes and barren gravel plains, with gaping pits and decaying tree-stumps, and rivers turned from their ancient course. Another proportion survived, partly as centres for later hydraulic and quartz operations, though chiefly as farming villages, at times under the veil of a new name; and in humbler though more assured prospects, others outgrew their period of mining and gambling, roughs and vigilants, to rise to staid business centres, affecting piety and learning.[21] Agriculture had here its beginning in garden patches, with powerful auxiliaries in the water ditches of mining

[18] Yankee Jim's and Ophir were burned down in 1852, the latter succumbing under the blow. Downieville suffered in the same year $500,000. Towns not distant for nearly the same amount in 1858. And so the torch circulated. See under counties and towns, and compare with S. F., with damages ranging as high as a half-score millions. Helper, *Land of Gold*, 26, etc., assumes the fire losses during 1849-55 at over $45,000,000. Others raise it to $66,000,000 by 1852. Not only were houses as a rule of combustible material, but people were careless, with a large criminal admixture.

[19] For no site in the gold region was safe in early days from miners' inroads. Farming land and highways were washed away, and entire town sites, leaving propped walls and caving streets, a certain amount of damages being alone recoverable.

[20] These remains, once plentiful, are growing scarce under the utilizing efforts of adjoining settlers.

[21] Hangtown being changed to the more attractive Placerville, for obvious reasons. Others to avoid confusion with namesakes, or under the ambitious efforts of new founders..

days, which assisted to change the industries of entire counties within a few years.

Even the central El Dorado and Placer are becoming known as vinicultural rather than mining districts. Alpine relies upon her pastures, and most of the gold belt depends upon tillage; while in the extreme south San Diego and Los Angeles unfolded quartz deposits. The Santa Bárbara region was by the drought of one season transformed from a stock-raising to a predominating farming range. The current of population began in 1850 to turn back to the momentarily abandoned coast slopes, filling first the central bay valleys, then with a reflux the river bottoms near the mines; till under the growing occupation of land it swept also over the south and grouped elsewhere around ports, and timber, and fishing-grounds. In many regions, especially the south, it was stemmed a while by disputed land titles, due greatly to intriguing new-comers; but whatever personal injustice they inflicted by usurpation of ranchos, they infused a new energetic spirit into the easy-going Hispano-Californian community, lifted stagnant pueblos into flourishing centennial cities, and with irrigation and other undertakings transformed arid plains into waving fields and golden orange groves.

Aside from mining camps, lingering or transformed, California possesses a wide range of settlements, from the missions, pueblos, and harbors, sites of Spanish origin, through the series of agricultural and manufacturing centres, inland ports and entrepôts, suburbs and resorts, to the recent railroad stations and horticultural colonies. Sea-ports, which antedate in a measure even the ancient pueblos as entrepôts for the first foundations, have been widely reënforced by landings since the early fur-trading times. While gaining in local trade they have declined in general importance, as compared with the only two good ship harbors of

San Francisco and San Diego.[22] A fact due to improved coast and interior traffic, inland ports had their beginning properly in Benicia, the first to receive large vessels and assert itself as a harbor town. Sacramento and Stockton, so far petty landings, followed, each becoming the centre of a host of tributary river landings, Sacramento having, however, to share its trade with the upper heads of navigation, notably Marysville.[23] All of these prominent places were beset by a number of rivals, eager for their prospective prizes. Benicia, risen as a competitor of San Francisco, had in time to yield to the adjacent Vallejo both its trade and aspirations, and Marysville having in time to divide its gains from Sacramento with towns above.

Many of these aspirants attained only to the rank of paper towns, of which speculative California has probably had a larger proportion than any other country of its size,[24] owing to the unparalleled unfoldment of settlements, the consequent opportunity for entrepôts in different directions, and the abundance of money for investments. City building became a busi-

[22] See chapters on trade in preceding volumes. Humboldt Bay admits only smaller vessels; Crescent City is a good roadstead, with a scanty range of accessible country. Wilmington rises little above the southern roadsteads, despite costly artificial breakwaters. Sauzalito is an anchorage tributary to San Francisco.

[23] For early port of entry privileges, see the chapter on commerce. Petaluma became the chief shipping point for Sonoma, Napa and Vallejo for Napa, Suisun for Solano, etc.

[24] Instance Montezuma and New York of the Pacific, and Collinsville or Newport—exposé in *S. F. Bulletin*, May 11, 1857, etc.—which strove for the valley trade against all the prominent towns above named; Vernon, Fremont, Nicolaus, and Hoboken, which entered the list against Sacramento and Marysville; Hamilton and Plumas against the latter; Butte City and Monroeville, which sought to be recognized as heads of Sacramento navigation, a privilege gained in a measure by Colusa, Tehama, and Red Bluff. Stockton, also Fredrina, *Sac. Transcript*, Apr. 26, 1850, had even less successful claimants in the cities of San Joaquin, Stanislaus, Mokelumne, and Tuolumne. Instance also Klamath City, which was killed by the shifting river bar. They were duly trumpeted before the people, with the aid of interesting maps, subsidized journals, and persuasive agents, and many made fortunes for their projectors before the collapse came. Frightened by adverse reports, bad titles, or periodical spells of dulness at existing towns, men bought lots in different places to secure themselves. Yet others failed to cover expenses. One company spent nearly $150,000 in vain. *Helper's Land*, 177–8. The failure of Vallejo to secure, for a time, at least, the capital, was due to bad management. The speculative excitement subsided for the bay towns by the summer of 1850. In 1863 a revival occurred for sea-ports

ness. At various points tracts of land were seized and town lots mapped out and sold. Then the advantages of the place were trumpeted far and wide, and all were invited by oily-tongued agents to come and buy and live. Title acquired often by force and trickery was kept by the power of the rifle and legal jugglery. The most ambitious projects sought to combine the head of ship navigation in the bay with a command of the great valley outlets, as instanced in New York of the Pacific. Then followed claimants to the head of river navigation in the Sacramento and San Joaquin, beginning with Vernon, and contestants for the control of the trade with certain tributaries and districts. Along the coast rose several pretenders to harbors, with promising river drainage, as Klamath City, and throughout the interior were sprinkled plats intended for valley centres and county seats, some of which nurse, as mere hamlets, the dream of greatness realized by their successful neighbors. The speculative fever for city building raged most virulently during 1849 and into 1850, raising a crop of prospective millionaires, after which the symptoms abated to sporadic forms, with occasional epidemics, as in 1863.

Agricultural towns date from the Spanish pueblo colonies, supplemented in time by converted missions, and latterly by lingering and transformed mining camps, some, like San José, of centennial dignity, and the younger Salinas, depending on wheat regions, Los Angeles boasting of her orange groves, Anaheim and St Helena leading a host of vinicultural communities, and Healdsburg prominent in the display of orchards. Aside from the woollen mills and other industrial adjuncts of the large cities, a number of towns live by their manufacturing interests. Eureka and Guerneville are conspicuous among a host of places producing lumber, the earliest manufacture on a large scale. Flour-mills have found development at Vallejo; Soquel depends upon a variety of industries, notably tanneries; Taylorsville is a paper-mill; Suisun a pack-

ing place; Martinez figures among fish-canning places; Alvarado is known for its beet-sugar mills; Boca for breweries; and Newhall for oil. Nortonville and New Almaden find their chief support in coal and quicksilver; Folsom flourishes by a prison and its quarries; Berkeley, Benicia, and Santa Clara rank among college towns; Santa Cruz, Santa Bárbara, and Santa Monica are sustained greatly as watering-places, their list swelled by San Diego, Calistoga, Auburn, and a number of other places, particularly in Lake and San Mateo, as health and pleasure resorts; while Oakland, Alameda, and Washington are known rather as the bed-chambers, or suburbs, of cities.

During the last three decades the railroad has risen as arbitrator in the fortunes of many of these towns. By passing them by it has drawn away their trade and left them to lingering decay, as illustrated notably by San Juan Bautista, and several towns of the San Joaquin Valley.[25] It has build up instead numerous thriving stations, among which towns like Modesto, Merced, Bakersfield, and Hollister have been so effectively fostered as to secure the important dignity of county seats to swell their expanding trade resources. In other cases it has revived many languishing settlements, as for example, Calistoga, Oroville, Sauzalito, and opened the way in the southern deserts for flourishing and reclaiming oases.

The latest feature of town building is presented by a new form of the agricultural colonies, which were first planted by Spaniards, under official auspices, as at San José, Los Angeles, and Branciforte. Sonoma was a subsequent semi-official venture, and Sutter's Fort partook of this stamp. Americans introduced the coöperative system, beginning with San Bernardino of the industrious Mormons, but more properly with Anaheim. This stands as a prototype here of

[25] Modesto overshadowed Knight's Ferry and La Grange, Merced took life and honors from Snelling, Fresno from Millerton. Alviso has suffered, Shasta is reduced, etc. A few, like Brighton and Stanislaus, saved a weak existence by moving to the railroad line.

the chiefly horticultural settlements started on coöperative principles to overcome the early difficulties of such undertakings, marked by costly irrigation canals, non-productive planting periods, and manufacturing adjuncts. These vanquished, each member assumed independent control of his allotted share, associated with his neighbors only by a general and voluntary interest in certain branches, and in sustaining the indispensable canals. Many owners of large ranchos are profiting by the success of these ventures, which with proper management is almost assured,[26] by opening ditches and occasionally planting tracts, and then selling the land in small lots, with the expectation of profiting also by the formation of a village by each cluster of colonists. There are a number of these settlements round Fresno, and in the three southern counties along the coast; and with the now growing reputation of California as a wine region, so well suited for them, they are assuming wider proportions and importance.[27] They form one of the many startling surprises with which this country has abounded, from the first glittering harvests of gold to the succeeding and richer crops from waving fields; in the spreading fame of balmy clime and fertile soil, once overshadowed by supposed deserts and aridity; in the variety of its magnificent resources and the grandeur of its scenery, with giant trees and geysers, with caves and mountain clefts; in the birth of towns and expansion of resources and wealth, at times swift in rise and fall as the terror-inspiring justice of the vigilance committees, at times slow and majestic as befits the dawning of eternal empire.

[26] The earliest colony at Fresno failed for lack of due precaution and energy.

[27] Agua Mansa, in San Bernardino, is a languishing colony, formed in 1842 by New Mexicans. The not far distant Riverside is one of the most flourishing spots in the county. Lompoc is a Temperance colony in Sta Bárbara. Compare with *Nordhoff's Communistic Societies*, 361–6. Homestead associations are to be found in connection with most large cities. Comments in *National*, Dec. 26, 1864; Apr. 10, 1865. Just before the opening of the overland railway in 1870 a homestead fever raged all round the bay. Lottery sales attended them at one time. *Sac. Union*, June 25, 1855; Jan. 27, 1857; *S. F. Ab. Post*, July 23, 1870. See, further, under counties, next chapters.

CHAPTER XVIII.

CITY BUILDING.

1848–1888.

The Great Interior—River and Plain—Sutterville and Sacramento—Plan of Survey—The Thrice Simple Swiss—Better for the Country than a Better Man—Healthy and Hearty Competition—Development of Sacramento City—Marysville—Stockton—Placerville—Sonora—Nevada—Grass Valley—Benicia—Vallejo—Martinez—Oakland and Vicinity—Northern and Southern Cities.

In illustration of the preceding observations, I append a sketch of the early development of the principal and typical cities, and of each county in the state, particularly with reference to the birth of its towns, and to the general tendency of progress. Limited space forbids more than a brief consideration of the topical points; and I must refer the reader to the special chapters on politics, mining, agriculture, manufacture, commerce, society, education, and church, for further details touching the different sections. My information has been culled by systematic search through many original manuscripts, and through the newspapers of San Francisco, as well as those from every quarter of the state. I have also carefully consulted the reports of census officers, surveyors, and assessors, county histories, and directories, local archives of towns and counties, the Vallejo, Larkin, and Hayes documents, and scattered notes in books and pamphlets of a more or less general character, as indicated in the narrative, only the most pointed references being retained to affirm or illustrate special statements.

The best prospects for an interior city lay naturally along the Sacramento River, near the mouth of its last great tributary, the gate to the central and northern parts of the great valley. This advantage must have influenced the founder of Sutter's Fort; but the small extent of its hill site, surrounded by low-lying banks which were subject to overflow in very wet seasons, was inadequate for a city, and such a one being required, Sutterville was laid out on the rising ground three miles below, whence a dry wagon-road to the mountains could be constructed. It made slow progress, for the fort still retained the ascendency, by virtue of its ferry, supplies, stores, and workshops. The gold excitement, however, while assuring urban preëminence to this quarter, demanded quickly an expansion of site, and it was to be expected that the chosen spot, Sutterville, should become the centre. "Had I not been snowed in at Coloma," said Sutter to me at Litiz, "Sacramento never, never, would have been built." But the Swiss potentate lacked business ability. He had vast resources and golden opportunities; but in his wide-reaching plans he had become heavily involved, and to escape his creditors he transferred his property to his son, John A. Sutter, a young man lately from school. This took place Oct. 14, 1848. *Sutter's Per. Rem.*, MS., pp. 178–81; *Placer Times*, Dec. 15, 1849; *Sac. Ill.*, p 8, *Alta Cal.*, Feb. 6, 1853; *S. F. Herald*, Feb. 9, 1853; *Tuthill's Hist. Cal.*, p 297 For testimony, *In re John C. Reiley vs A. Heisch et al.*, 1860, see *Sac. Directory*, 1871. As the interest in Sutterville had mostly passed out of his hands, Sutter permitted his son to lay out another town at the embarcadero, or landing, just below the fort, to which the name of the river was applied.

The fort had frequently been called by that name, although Tehama was the Indian appellation. The survey was made by Wm H. Warner, of the U. S. topog. engineers. He was shot in 1849 by the Indians while surveying near the sources of Feather River. The fort formed the nucleus of his operations; thence down to the embarcadero and along the river bank he laid out streets. Those parallel with the stream were called First, Second, Third, etc.; those at right angles to it A, B, C, etc.; the avenue bordering on the river was called Front street. All were 80 feet wide except the centre street, M, which was made 100 feet. The blocks were 320 by 400 feet, divided by 20-foot alleys running east and west. The landing-place was in itself no small advantage in favor of Sacramento, while the slough at Sutterville, which required bridging, operated against the latter. *Sutter's Pers. Rem.*, MS., 178–81; *Placer Times*, Dec. 15, 1849; *Sherman's Mem.*, i. 59, 77; *Burnett's Per. Rec.*, MS., ii. 1–2; *Id.*, *Rec*, 287–8. Winans, *Days of 1849*, MS., 8, and Crosby, *Events*, MS., 27, differ on the date and surveyor. A year later Seton, Ord, and Sherman were employed to connect Warner's survey of Sacramento with Davidson's survey of Sutterville. An auction sale of lots to be held at Sutter's Fort on Jan. 8, 1849, was advertised under date of Dec. 2d, in the *Star and Cal.* of Dec. 23, 1848. The first sales were near the fort, but at the close of Jan. 1849 lots near the river came into demand. The purchase of more than four lots to one person was discouraged in order to promote settlement, which was also favored by time payments and uniform prices. P. H. Burnett became on Dec. 30th the attorney for Sutter, jr. He received one fourth of the proceeds, but becoming too rapidly rich, according

to Sutter's idea, the power was transferred to Peachy, who shared the sale with Schoolcraft. In less than six months Burnett sold half of his lots for $50,000. "Peachy made $80,000 out of me," says Sutter, *Autobiog.*, 178–9. At the close of 1848 there were at the embarcadero only two houses, one a drinking-saloon, the other occupied by the Stewart family, and a dismantled ship, which G. McDougall and his partners, Blackburn, Parker, and Barton, had brought from San Francisco laden with goods, and moored as a store at the foot of I street. Burnett, *Per. Rec.*, MS., ii. 14–16, calls both of the houses log cabins. Henshaw, *Stat.*, MS., 2, designates only one as of logs, the other as a wooden building. Buffum, *Six Mo.*, 32, differs somewhat; but changes were rapid in those days.

In January 1849 a frame building was placed at the corner of Front and I sts, by Hensley, Reading, and Company, followed by the cloth houses of Ingersoll on Front st, between J and K, and of Stewart on the river bank between I and J, the latter as a tavern. Sam Brannan completed a frame store at the corner of J and Front sts in February, about which time also Priest, Lee, & Co. moved from the fort to occupy new premises, of cloth, says Barnes, *Or. and Cal.*, MS., 14. Gillespie and Carpenter erected log houses. *Sac. Ill.*, 8, and others wrongly call Brannan's the first building in Sacramento. *Crosby's Events*, MS., 15; *Taylor's Oreg.*, MS., 5. The original store of Brannan, associated with Mellus, Howard, Greene, & Stout, was a one-story adobe 50 yards east of the fort. *Grimshaw's Narr.*, MS., 22–7; Morse, in *Sac. Dir.*, 1853–4.

The first public sale of lots on January 8, 1849, was quickly followed by the erection of business houses and dwellings. Sutterville attempted under the direction of McDougall & Co. to gain the ascendency, but a lavish distribution of lots by Sutter thwarted her, and further judicious efforts tended to direct hither the inflowing migration by land and water. Vessels gathered along the bank, and midst the thickly sprinkled tents rose pretentious, if not substantial, canvas and frame buildings, which by June numbered 100, and lots which four months previously had sold for $250 commanded now as much as $3,000. Sacramento absorbed also the remnant of trade so far transacted at the fort, leaving New Helvetia a neglected suburban spot, and dealt at the same time an effective blow at the still struggling Sutterville.

McDougall & Co. had a large amount of money, and began to feel very strong. From Sutter they obtained a lease of the ferry privilege, near the outlet of Sutter Lake; on the strength of which they claimed the exclusive right to 400 yards of river bank. This being disallowed, they became angry, swore vengeance against young Sutter and his Sacramento town, and moved their hulk to Sutterville. They urged Priest, Lee, & Co. and Brannan to move to the better site below, offering them a gift of eighty lots in Sutterville. Seeing their advantage, these men manipulated Sutter so well as to get 500 Sacramento lots for remaining. See *Winans' Days of 1849*, MS., 7–8; *Taylor's Oregonians*, MS., 5; and *Nar.*, MS., 10, by McChristian, who was a clerk of McDougall's.

In October the first brick house, the Anchor, was completed by G. Zins, the brick being made by him at Sutterville, where the first brick house in the state had already been erected from the first kiln of his brick-yard. *Hist. Sac.*

Co., 50, 146. Harnett burnt one kiln this year at Sac., and in 1851 Carlish added brick-making to his building operations. Among other notable houses which rose during the autumn of 1849 were the zinc warehouse near the outlet of Lake Sutter; the zinc house, and the Empire saloon building on J street, between Front and Second; Merritt's building on the corner of J and Second; the brick block on Front st, between N and O sts; the St Louis Exchange, kept by a brother of Commodore Garrison; and the theatre, a frail structure near the City hotel. For additional information, see *McIlvaine's Sketches*, 7, with view of town; *Culver's Directory; Sac. Transcript*, May 29, 1850, which rashly reduces the number of houses; *Matthewson's Stat.*, MS., 1–2; *Friend*, Dec. 1, 1849; *Richardson's Mining*, MS., 13; the *Stat.*, of Carpenter, who put up a doctor's shop on the corner of K and Second; *Stat.*, of Brock, who opened a tinware shop; *Armstrong's Exper.*, MS., 15. 'A town of tents,' says Coleman, *Bus. Exp.*, MS., 141–4, with its 'future on paper,' adds Woods, *Sixteen Mo.*, 47. At the end of June 1849 the embarcadero contained eleven wholesale houses, according to the *Placer Times:* Priest, Lee, & Co., with P. B. Cornwall as partner, Hensley, Reading, & Co., Brannan, Whitlock and Gibson, Samuel Norris, Gillespie, Ingersoll, Robinson, D. Hanna, R. Gelston, and Taber. Beside these were fourteen smaller stores. Mr Henshaw in his manuscript gives lengthy details of events, such as the wedding, on June 10th, of James H. Lappens and Ann Hitchcock. The Fourth of July was celebrated in a grove adjacent, and with fire-works. The second week in July the thermometer marked at noon 114°, and at night 82°. Z. Hubbard's obscene Round Tent for a time eclipsed all competitors. This was followed by the Gem, the Empire, the Mansion, the Humboldt, the Diana, and others. There was one called the Plains, with its walls adorned with scenic illustrations of the route across the continent. 'Building lots which four months previous had sold at from $50 to $200,' writes Buffum in April, 'were now held by their owners at from $1,000 to $3,000.' Yet Morse assumes that the population at the fort, Sac., and Sutterville did not exceed 150 April 1st. *Dir. Sac.*, 1853, 4. On June 20th, however, he estimates the number of houses at Sac. alone at 100, among which was rising the City hotel, erected from the material prepared for Sutter's flouring mill, on Front st, between I and J, 35 by 55 feet, three stories in height, costing $100,000, and renting to Fowler and Fry a few months later for $5,000 a month. *Placer Times*, Feb. 16, 1850; *Bayard Taylor's Eldorado*, i. 220. Shortly after McCollum, *Cal.*, 46, mentions the U. S. hotel as the best. The Sutter house rose on Front st, between K and L, and McKnight's American hotel on K st, between Second and Third.

In March Burnett visited S. F. to meet the incoming tide of gold-seekers and direct it to Sac. Meanwhile several vessels gathered along the banks, including the square-rigged *Eliodora*, *Joven Guipuzcoana*, and the bark *Whiton*, in April and May, some to serve for store-ships and wharves; and habitations rose in all directions, most of them frail and transient in character, of boards, canvas stretched on sticks, and common tents. April 28th the weekly *Placer Times* was issued by Ed. Kemble & Co. to trumpet the town. The embarcadero boasts 25 or 30 stores, it cries; the fort and its vicinity 8 or 10 more. There is a hotel, a printing-office, bakery, blacksmith-shop, tin-shop, billiard-room, bowling-alley, to say nothing of drinking-saloons, and houses of pros-

titution. Though an exceedingly healthy place, as the editor affirmed, it should still have a hospital. Sacramento will become great. For if all these rising institutions were not enough, there was the inauguration of the game of monte in the famous Stinking Tent, kept by James Lee.

About June, Sutter, jr, reconveyed to the father his estates; titles for the sold lots were perfected, and with the changes of agents a spirit of rivalry sprang up between the fort and town. The former had so far retained a prominent position as mail station, as general point of arrival and departure, and as the site for numerous branch stores, all of which served to sustain a lively intercourse between the two places, so much so that three lines of stages were kept busy making each several trips daily. But Sutter, jr, quarrelled with Hensley and Reading, the leading firm, and retired May 1st from their partnership, J. R. Snyder taking his place; whereupon the firm withdrew from the fort, and concentrated their business at the more convenient landing. Others followed their example, giving a share to Sutterville, till the fort was deserted by traffic, and employed chiefly for hospital purposes. Sutterville seized the opportunity to strengthen itself, and the McDougall firm sought to attract trade by loudly offering to sell goods at cost; but the shrewd Sac. dealers combined to purchase them, and so thwarted the manœuvre. Nevertheless their prospects looked fair for a while. Geo. McKinstry opened a store; a hotel was begun and a ferry proposed, and a few vessels were staying there to land intended settlers. The latter received poor encouragement, however, for L. W. Hastings, who owned the central part of the town, could not be induced to sell at reasonable prices, despite the efforts of McDougall and McKinstry, the holders of the outskirts on either side. Finally the latter made matters worse by quarrelling. The quartering here of a U. S. garrison during 1849 served only momentarily to sustain the fast stagnating town. *Sac. Transcript*, May 29, Sept. 30, 1850; *S. F. Daily Herald*, Feb. 9, 1853; *McChristian*, in *Pioneer Sketches*, MS., 10; *Sherman's Mem.*, i. 77; *Brooks' Four Months*, 27; *Morse*, in *Sac. Directory*, 1853–4; *Sac. Illus. Hist.*, 8; *Buffum's Six Months*, 152–3; *Frost's Hist. Cal.*, 113; *Sherwood's Cal.*, 30; *Burnett's Rec.*, MS., ii. 29; *Sac. Directory*, 1853–4, 9; *Schmölder*, *Wegweiser*, 78, with plan.

A feature of this progress was the rapid increase of river traffic, marked by the inauguration, in August, of steam service by the *George Washington*. Within three months half a dozen rivals appeared on the scene, including the commodious *Senator*. Sailing vessels also ascended the river to save the expense of transshipment, and to serve here for storing goods, and by May 1850 a fleet of 85 sea-going bottoms lay in the stream, with a tonnage of over 12,000, half of which was claimed for storage. The dignity of a port of entry, bestowed since April, was consequently well merited. It was a place surging with speculation and uproarious with traffic; profits reaching more than 100 per cent above the rates accepted at the city on the bay, and rents ruling as high as $5,000 a month for a building, while lots crept up to $30,000. Notwithstanding the flimsiness of the structures, their value toward the close of 1849 was estimated at $2,000,000.

On the 15th of August a scow was launched, and two days later the *George Washington*, the first river steamboat of California, arrived from Benicia. In

September the *Sacramento* was launched a mile above the town, and shortly after arrived another of the same name, of scow build, which sold for $40,000. *Alta Cal.*, Jan. 4, 1850; *Placer Times*, Aug. 18, 1850. In October, the steamboats *Mint* and *McKim* introduced a more regular and superior communication with S. F., although both were surpassed by the *Senator*, which made her appearance here Nov. 6th. Rates of passage were $30 and $20 for cabin and deck, and freight $2.50 per 100 lbs, or $1 per foot. The shipping interest had by this time grown to respectable proportions. On Sept. 1st there were 8 barks, 11 brigs, and 7 schooners along the bank, and by April 1850 they had increased to some 20 barks and ships, 27 brigs, and a number of minor craft, ranging as high as 400 tons, and drawing over 10 feet of water. For May 1850, the harbor-master reported 33 store-ships at the levee, with a tonnage of 6,628; 52 ships, barks, and brigs, 5,577 tons; 16 regular steamers, 2,065 tons; his receipts $3,356. *Sac. Transcript*, Apr. 26, June 29, Nov. 14, 1850; *Placer Times*, May 26, Nov. 17, 1849; March 9, 1850, etc.; *Sac. Directory*, 1871, 52; *Id.*, 1873, 15; *Cal. Courier*, Sept. 14, 1850; *Upham's Notes*, 299–300, 312. Even vessels drawing 12 feet could reach the American River, says Currey, *Incid.*, MS., 7. The ferry to the Washington side of the river, improved with horse-power, was in 1850 converted into a steamboat, *Alpha*, to suit the increasing traffic. The rates were $2 for a two-horse wagon, animals 50 cents each, man and horse 75 cents. Roads to the interior were improved for the hundreds of teams daily passing. A post-office had been established at the embarcadero in the middle of 1849, on board the *Whiton*, H. E. Robinson being the first postmaster; but the service proved so irregular, especially during the winter, that expresses had to be invoked. *Placer Times*, July 20, Aug. 1, 16, Oct. 13, 1850; *Sac. Transcript*, May 9, Sept. 30, 1850; *Alta Cal.*, Dec. 21, 1850. See also *Larkin's Doc.*, vii. 92, 123; *Winans' Stat.*, MS., 7–17, 20, referring to general security here in 1849; *Barstow's Stat.*, MS., 3; *Matthewson's Stat.*, MS., 1–2; *Crosby's Events*, MS., 15; *Staples' Stat.*, MS., 7. The real estate on I street was valued at half a million, says Taylor, *Eldorado*, i. 225. Anything would sell, common flannel shirts at from $5 to $8, blankets $12 to $20, boots $20 to $32; flour rose to $50 per barrel during the autumn, mutton $1 a pound; labor $10 and upward, carpenters striking for more than the $12 a day offered. *Taylor's Eldorado*, i. 225–6; *Lett's Cal.*, 131–3; *Wheaton's Stat.*, MS., 7; *Winans' Stat.*, MS., 7–17; *Delano's Life*, 251; *Placer Times*, Feb. 16, 1850; *Talbot vs Hopper*, 76; *Fay's Facts*, MS., 7; *Coleman's Vig.*, MS., 144–5; *Buffum's Six Mo.*, 32, 110; *Placer Times*, Aug.–Dec. 1849, passim; *Crosby's Stat.*, MS., 15; *Willey's Mem.*, 94–5; *Grimshaw's Nar.*, MS., 33–43.

As the influx by sea gave impulse to S. F., so the migration overland and to the mines favored the city of the plains, assisting to collect here a population, by Oct. 1849, of about 2,000, with a vote of 1,300; by Dec. fully double, and by the following winter nearly 10,000, including travellers, sustaining some 400 stores, with several manufacturing establishments, notably three steam-mills. The estimate for the end of 1850 was 7,000 residents, besides perhaps 3,000 transient persons—a figure which Taylor, *Eldorado*, i. 219–20, hastily assigns for 1849, Letts, *Cal. Ill.*, 131, giving even a higher estimate. The calculations of the *Sac. Transcript* for the beginnig of Nov. 1, 1850, is

limited to 6,000 inhabitants, including 460 females, with 403 stores, 80 of which sold clothing. There were 65 blacksmith-shops, 3 steam-mills, 8 cabinet-shops, 2 soda factories, 3 lemon-syrup factories, 2 breweries, 8 livery-stables, 90 physicians, 70 lawyers. Repeated in *Cal. Courier* and *S. F. Herald*, Nov. 18, 1850; *Culver's Sac. Direct.*, 78–9; *Upham's Notes*, 307. The vote in Oct. 1850, before the winter influx had properly set in, numbered 2,219, against 3,440 for S. F. *Sac. Transcript*, passim.

It was a tented city, of young men, with a sprinkling of women, yet not altogether of sturdy youth; for hither came inexperienced miners with maladies brought on by toil and exposure, and emigrants reduced by the hardships of transit, until on every hand suffering appealed to the sympathies of the people, and not in vain. The Odd Fellows organized and set the example in deeds of charity and in establishing hospitals, which soon came to serve in a far worse strait, when in the following autumn cholera broke out, carrying off fully 500 persons, and frightening away several thousand of the inhabitants.

A hospital at the fort charged $16 a day for the few patients tended by the city; the rest had to depend upon private charity; and here the resident Odd Fellows distinguished themselves. This laudable object caused the fraternity to meet informally, Aug. 20th, each member becoming a visiting committee. The society spent large sums on coffins alone, which cost from $60 upwards. The Masons joined them in the work, and in sharing hospital expenses at the fort. *Placer Times*, Sept. 29, Nov. 3, 7, Dec. 8, 1849, etc.; *Winans' Stat.*, MS., 16. Claims for repayment were afterward presented by the city and others upon the state and U. S. government, but in vain. *Sac. Transcript*, Feb. 1, 1851; Oct. 14, 1850; *U. S. Gov. Doc.*, Cong. 25, Sess. 1., Sen. Mis. Doc., 1, 4, i.; *Cal. Jour. Ass.*, 1855, 451–5. Two other hospitals were erected, *Direct. Sac.*, 1853–4, 14–16; and the city was induced to build one, but it was blown down before it was ready for occupation, and a less commodious cottage became its receptacle. Several minor private establishments existed. The patients cost the city in Jan. 1851 $5 each daily; $95,000 had been expended since May 1850. *Sac. Transcript*, Feb. 14, May 15, 1851; May 29, 1850; *Upham's Notes*, 301–2. Official reports on hospitals at Sac., in *Cal. Jour. Ass.*, 1852, 330, 400, 857; *Id., Sen.*, 531–45, 647–9; *Hist. Sac. Co.*, 49, 87, with account of later county and R. R. hospitals. On Aug. 24th the Odd Fellows adopted by-laws and elected A. M. Winn, president. List of members in *Sac. Direct.*, 1856, p. ix. In 1850 the Hebrews formed here a benevolent association, and the Sons of Temperance a division, while the Masons, already informally active, organized the first lodge on Dec. 4, 1849. Two other lodges were formed in 1850, as well as a grand lodge, after which rapid progress was made. See the chapter on society, and for later progress of orders in Sac., *Hist. Sac. Co.*, 158 et seq., including Templars, Druids, United Workmen, Knights of Pythias, German Benevolent Soc., and County Pioneers.

The cholera began its ravages on Oct. 20, and ended Nov. 12, 1850. During this time the mortality was 201 between Oct. 20th and 31st, and 247 between Nov. 1st and 11th, of which cholera and filth claimed nearly all. *Sac. Transcript*, Nov. 14, 1850. The *S. F. Herald*, Nov. 1, 12, 1850, reports 25 deaths in 24 hours, and 20 in 48 hours. At Placerville there were 700 deaths between Aug. 1st and Nov. 12th. Sixty were buried at Sac. on Nov. 1st, many fol-

lowing. *Culver's Direct.*, 79. One fifth of those who remained in Sac. died, says Winans, *Stat.*, MS., 21–2; *Pac. News*, Nov. 1, 4, 1850; *Sac. Direct.*, 1853, 35–7; *Sac., Illust.*, 18–19; *Crary's Stat.*, MS., 1–2; *Cal. Courier*, Oct. 23, etc., 1850; *Fay's Facts*, MS., 8. Only some 2,500 people remained in the city. For later health and climate reports, see *Logan's Medic. Topog.*, 1859, 8; *Sawyer's Mort. Tables*, 6–7; *Alta Cal.*, Nov. 12, 1852. On Jan. 1, 1851, there were 85 doctors here, and a Medico-Chirurgical academy met in May 1850. The two cemeteries were heavily occupied. Sutter gave in 1849 ten acres for one. Rules for, *Placer Times*, Dec. 8, 1849; May 8, 1850. Henshaw, *Stat.*, MS., 6, buried the first body here. Stillman counted 800 burials here before the cholera broke out. The *Sac. Transcript*, Nov. 29, 1850, states that out of 1,966 graves more than 850 dated since the preceding rainy season. For later cemeteries, see *Hist. Sac. Co.*, 208.

This, however, was but one among the series of ordeals through which the city had to pass. The first was the flood of the winter 1849–50, which had early premonitions in rains soaking the frail tent buildings and making the country roads so bad as to stop freight teams in many directions, and forcing miners to seek the city for food and medicine. The rainy season began Nov. 2d, and continued, with intermissions, until the middle of Dec., when a storm wrecked several houses. It ended on March 22, 1850, with a fall of over 36 inches. *Burnett's Rec.*, MS., ii. 202–3; *Placer Times*, Dec. 15, 22, 1849; *Sac. Union*, Jan. 1, 1875. Floods had occurred in 1846–7, and Indian traditions referred to 1825–6 and 1805 as severe seasons. By Christmas of 1849, water covered the lower parts of the city, and ferries were provided for several streets. On Jan. 1st, the rains stopped and the water receded somewhat; but on Jan. 8th it began to storm, and on the night of the 9th, four fifths of the city lay under water. The second story of the City hotel was entered from boats, *McIlvaine's Sketches*, MS., 7, and a steamer passed up the streets. *Delano's Life*, 291. Boats rented at $30 per hour. The city hospital was abandoned by the attendants, who left the rescue of the sick to citizens. *Sac. Direct.*, 1853, 20–1; *Placer Times*, Jan. 19, etc., 1850. The country presented a sheet of water for miles around, save here and there a knoll or ridge, and the dottings of trees and houses. Hundreds of animals were drowned, to subsequently taint the air; some lives were lost, and an enormous amount of property was destroyed. The average rise of water within the city was 4 feet. *Winans' Stat.*, MS., 9–14; *Alta Cal.*, and *Cal. Courier*, Jan. 14, 1850; *Pac. News*, Jan. 5–20th. Gold flakes appeared after the water receded. *Connor's Stat.*, MS., 5; *Richardson's Exper.*, MS., 23–6. By Feb. 2d, $200,000 were promised for a levee, citizens and local authorities coöperating. *Placer Times*, Feb. 2, etc., 1850. In March and April, damming efforts saved the city from another overflow. *Sac. Transcript*, Apr. 26, 1850. On Apr. 30th, people voted to appropriate $250,000 for the work. *Pac. News*, May 3, 1850. It began Sept. 10th, and progressed, despite the declining enthusiasm and lack of funds, under the management of J. R. Hardenbergh. Yet it proved useless against later floods, and vaster labors were required. The levee was 9 miles in length, beginning at the highlands near Brighton and running to the mouth of the American River, at a height of 3 feet. Thence along the Sacramento, it was raised to 6 feet, and even 20 feet near Sutterville. Over

120,000 cubic yards of earth were used for the embankment; cost, $175,000. *Sac. Illust.*, 18; *Culver's Direct.*, 80–1; *S. F. Picayune*, Sept. 16, Dec. 31, 1850; *S. F. Herald*, Oct. 16, 1850. Wages $75 a month. *Sac. Transcript*, Sept. 30, 1850.

After this came the squatter riot, long brewing under the direction of unprincipled men, who, on the assumption of a flaw in Sutter's title, sought to wrest unoccupied lots from him, and more especially from speculators. On the first bloody encounter, however, with the resolute citizens, in August 1850, the organization of squatters gave away. It had been unfortunate in its association with criminals, as well as with the lawless element, which during the autumn of 1849 had begun to rise, and which in 1851 provoked a purifying vigilance movement. Aside from the disorder and bloodshed, it injured the city by shaking confidence in titles, and the flood and increased taxation caused a depression in real estate, which fell from an inflated valuation of nearly $8,000,000 in 1850 to less than $5,000,000 in 1852. The consequent lapse of mortgages and effect of over-speculation precipitated in August and September 1850 the financial crisis involving the leading banks and merchants.

The revival of business in the spring had sustained values for a time, but as mortgage foreclosures followed one upon the other, embarrassment spread, till in Aug. and Sept. 1850 the chief bankers closed their doors, headed by Barton, Lee, Baker, & Co., who represented over a million, followed by Henley, McKnight, & Co., and Warbass & Co., and by a number of merchants. *Sac. Transcript*, May 29, 1850, names Hensley, Merrill, and King among the leading bankers. Notwithstanding the increasing expanse of the city, with more substantial buildings and a larger population, property assessments rose very slowly to somewhat over $7,000,000 in 1857, declining once more gradually to $4,400,000 in 1867, without just cause, for in 1872 they jumped to nearly $16,000,000.

The early days soon passed away when a man might leave his bag of gold anywhere with confidence, as Little, *Stat.*, MS., 5–6, Barston, *Stat.*, MS., 3, glowingly relate. In the autumn of 1849 an organized band of thieves was raiding in the city, and after this reports of robberies are frequent. *Placer Times*, Nov. 17, 24, 1849; Jan. 5, Feb. 16, Apr. 13, May 8, 26, 1850. A duel is recorded in *Id.*, Oct. 13, 1849; *Pac. News*, May 3, 1850, etc.

On May 8th a night-watch of 10 men was ordered to be established. *Sac. Transcript*, June 29, 1850. There had been a prison brig and a military company since Nov. 1849. *Placer Times*, Nov. 24, 1849; May 22, 1850; *Sac. Direct.*, 1871, 65. The first trial, of C. E. Pickett, for justifiable homicide, took place Jan. 1849; the first criminal conviction of a thief, on the records, Nov. 8, 1849. The criminal court of the first instance was organized in Nov. 7, 1849, with W. E. Shannon for judge. *Sac. Rec. Crim. Court.* His appointment is dated Aug. 1st. The first civil suit was tried by a jury of six in Sept. 1849, before the first magistrate, J. S. Thomas, appointed on Sept. 21st. *Sac. Rec. Proceed.*, 38; *U. S. Gov. Doc.*, Cong. 31, Sess. 1, H. Ex. Doc., 17, p. 832–4. Grand jury reports in *Placer Times*, Jan. 19, May 17, Nov. 10, 1850. On May 6, 1850, Thomas opened the district court. By Oct. there were some 450 cases on the docket. *Sac. Transcript*, Oct. 14, 1850. For the court of sessions Swift and

C. E. Lockett were on May 18th elected associated justices, Willis presiding. *Placer Times*, May 20, 1850. Willis was county judge, and had opened his special court May 6, 1850, tending also the probate court of the same date. The charter of Feb. 1850 provided for a recorder's and police court to the exclusion of justices of the peace. These courts were influenced to greater activity by the vigilance committee of 1851, which in August compelled the hanging of two murderers, and itself lynched their respited partner. The first lynching had been effected here on Jan. 26th, of the murderer Roe. Criminal details for the year with account of prison brig, in *Sac. Transcript*, Feb. 25, 28, June 15, 1851; *S. F. Picayune*, Feb. 27, 1851; *Alta Cal.*, Feb. 29, June 28, July 11, 1851; *Sac. Illust.*, 20; *S. F. Herald*, Sept. 23, 1851; *Cal. Courier*, Nov. 3, 1851. List of crimes and executions in *Sac. Record*, May 30, 1879; *Alta Cal.*, May 9, June 17–18, 1852; Jan. 27–30, Feb. 22, Apr. 21, May 1, Aug. 13, Sept. 1, 1853; and 1854–86, passim; *Sac. Union*, etc.; *Hist. Sac. Co.*, 124 et seq. Sept. 1854 was marked by a Chinese war. *Sac. Illust.*, 24. In 1856 the vigilance committee stirred the courts anew to promptness, and cleared the city of many disreputable characters. *Popular Tribunals*, this series, passim.

In April 1849 the aspirations of Sacramento soared above the simple alcalde government, emanating from the fort, to that of a code-forming capital for the valley. The legislators chosen to realize the pretension declared with laudable good sense that the existing administration was sufficient, yet the gubernatorial order for local elections in August led then to the installation of an ayuntamiento, with Stout and subsequently Winn for prest, Thomas and Zabriskie being made 1st and 2d magistrates, and Crosby prefect. *Crosby's Stat.*, MS., 55–9; *Placer Times*, Aug. 11, 1849, etc. In the autumn of 1848 Frank Bates and John S. Fowler had been chosen first and second alcaldes, at the fort, to replace Sinclair and McKinstry. The following spring Fowler was succeeded by H. A. Schoolcraft, lately a soldier. *Unbound Doc.*, 44, 81–2. On April 30, 1849, a movement was made by the district embraced between the Sacramento, the Sierra Nevada, and the Cosumnes to establish civil government after the American form. A mass meeting held at the embarcadero was followed by an election of a legislature of eleven members, empowered to enact laws for the city and district. The eleven elected and sworn in were John McDougal, Barton Lee, John S. Fowler, Peter Slater, Henny Cheever, James King of Wm, Samuel Brannan, M. M. Carver, Charles G. Southard, W. M. Carpenter, and William Pettit. *Placer Times*, May 5, 1849. Their declaration that no formal laws or increased staff of officials were wanted in that community was approved, and Henry A. Schoolcraft and A. M. Turner were chosen alcalde and sheriff respectively.

Still, this did not wholly conform to the American idea of the necessity of a growing population, and so a charter was adopted in October. The inestimable privilege of wider government thus conferred was promptly acted upon by the creation of a host of officials corresponding to the prospective greatness of the city, and the council duly impressed the acquisition by a heavy schedule of taxes to meet the lavish assignment of salaries. This application of civic honor was hardly expected, and a new charter was quickly draughted to check the extravagance; but the sweets of office proved too tempting. Instead of diminish-

ing expenses, the new council increased salaries beyond the limits of the total taxation, and helped to create a debt of nearly $400,000. The lesson was not wasted, for a reincorporation took place in 1851, with more secure restrictions to promote economy! The exposed situation of Sac., and its fast growing importance, demanded extraordinary expenses for street improvements, levees, public buildings, fire department, and so forth, which despite a taxation of $5.35 per $100, of which more than half for local purposes besides heavy license rates, increased the debt to $1,400,000 by 1855, after which, however, the addition was slight.

The first charter had been defeated in Sept. by the gamblers' clique, but adopted with an amendment on Oct. 13th, by 809 votes against 513. Text of document in *Unbound Doc.*, 338. The council then passed ordinances, *Placer Times*, Dec. 15, 1849, and created a host of officials at salaries ranging from $25 a day to $200 per month, not forgetting to allow their own members $100 per month, to which end a heavy schedule of taxes and licenses was issued, charging $50 per month to dealers, auctioneers, markets, hotels, gambling-tables, and lower rates for certain other businesses and entertainments. This feature tended to render the charter unpopular, and two others were draughted from the legislature on Feb. 27, 1850, embracing one favoring the popular party, which limited taxation to $100,000, and the total debt to the annual revenue. Yet the first step of the city fathers, with H. Bigelow as first elected mayor, was to assign for salaries alone $118,000, of which committeemen received $25 a day, councilmen double their former pay, the four chief officials $5,000 or $6,000 a year each. The sick-fund, the levee, and the squatter trouble each absorbed about $100,000 during the year. Details of election and acts in *Placer Times*, Feb.–Apr. 1850. *Sac Transcript*, started in April, came in time to record these doings. *Upham's Notes*, 278–99, is especially full on the subject. Also *Crary's Stat.*, MS., 2. Text of charter in *Cal. Statutes*, 1850, 479. In March 1851 the city was reincorporated, *Id.*, 1851, 554, under more secure limitations, which, with amendments in 1852, etc., *Sac. Union*, March 9, Apr. 10, 1855, continued in force till 1858, when the consolidation act combined the city and county governments. This failed to give satisfaction, and in 1863 the city was reincorporated substantially under the former charter. In 1874 the limits were reduced on the north. List of mayors in *Sac. Record*, June 3, 1885; acts concerning city in *Hittell's Codes*, ii. 1820; *Alta Cal.* and *Sac. Union*, passim. The council of 1851 found a debt of some $379,000, partly in unpaid interest at from 3 to 20 per cent a month, which was funded at one per cent per month. Salaries were reduced, but notwithstanding the tax rate aforesaid, whereof 2¾ for local purposes of $7,000,000, the debt had increased to fully $1,400,000 by May 1855, after which the addition was chiefly through unpaid interest. The act of 1872 to provide a sinking fund proved the best remedial measure for the low credit of the city, the bonds being frequently rated below 20 cents on the dollar. In 1880 the funded debt amounted to $1,560,000, plus $854,000 for accrued interest, etc. The county debt was somewhat over $600,000 at 6 per cent. See above journals; *Sac. Directories*, 1853, 1871, etc.; *Hist. Sac. Co.*, 130 et seq.; *Burnett's Rec.*, MS., ii. 283, etc. Early critical reviews of finances in *Sac. Transcript*, Feb. 1, 28, June 1, 1851; *Placer Times*, March 21, 28, 1852; *Alta Cal.*, June 1, 1853; *Sac. Union*, Apr. 7, 1855; Jan. 3, Oct. 7, 1856, etc.

So far the city had been spared the fire scourge, which devastated nearly every town in early days; but it came on Nov. 2, 1852; and as if to condone for previous forbearance, it swept away more than two thirds of the buildings, together with several lives, the loss being estimated at fully $5,000,000. California energy manifested itself as usual in rapid rebuilding, and the adoption of remedial measures, by giving prominence to brick walls, by erecting substantial water-works, which moreover provided a handsome revenue, and by increasing the efficiency of the fire department. So effectual were these precautions that the only subsequent conflagration of note, in July 1854, involved less than half a million of property. The suffering entailed by the great fire was augmented by a fresh inundation in Dec. and Jan., even more extensive than the former overflow, though less disastrous, owing to timely warning, and to the limited field for ravages left by the flames. The agricultural districts this time suffered, from Shasta to San Diego, with the loss of cattle, crops, and improvements mounting into the millions. Sacramento hastened to fortify her levees, but not until after the flood of 1861-2, involving the destruction of about $3,000,000 worth of property, was it given a height and strength which, together with a gradual raising of the street grade, provided an effectual relief.

The fire damage prior to 1852 is scarcely worth the enumeration. The first was inflicted Sept. 13, 1849, on a hay stack. *Placer Times*, Sept. 15, 1849. On Apr. 4 and Nov. 9, 1850, respectively, about half a score of houses were consumed, valued together at $100,000. *Id.*, Apr. 6, 1850; *Pac. News*, Nov. 13, 1850; *Upham's Notes*, 289-91. The Tehama theatre suffered a $20,000 loss on Aug. 13, 1851. *Alta Cal.*, Aug. 15, 1851. This fortunate escape, however, was offset in the great fire of Nov. 2, 1852, when, as before mentioned, the estimated loss was some $5,000,000. *Democ. States Jour.*, Nov. 15th, gives a list not quite complete aggregating this figure. The fire originated in a millinery store about 11 P. M., and was swiftly carried around by the strong wind prevailing. Only one church escaped, and very few of the noteworthy edifices. Fully six persons perished. Details in *Sac. Union*, Nov. 4, etc., 1852; *Alta Cal.*, *Herald*, and *Times*, Nov., etc., 1852; *Burnett's Rec.*, MS., ii. 283-4; *Winans' Stat.*, MS., 22-3. Over 1,600 buildings were destroyed, *Alta Cal.*, Nov. 12th; and this being at the beginning of the rainy season, the suffering was increased, especially as a severe flood followed, so that provisions became scarce. However, by Dec. 3d over 760 buildings were up. *Sac. Illust.*, 21. More attention was given to brick structures, of which the city had in 1854 about 500, against 2,000 frame houses. Reconstruction was promoted by the shipment of buildings from S. F. *Knight's Stat.*, MS., 12-13. An appropriation of $125,000 was made for water-works, which were completed on Apr. 1, 1854. By 1856 over 8 miles of pipes had been laid. *Sac. Direct.*, 1856, 13-14. Mistakes and improvements raised the expenditure on this branch by 1880 to over half a million, but it gave revenue as well as safety. Appropriations, and subsequently loans, were made for the fire department, the first company of which had organized on March 20, 1850, after six weeks of agitation. *Placer Times*, March 23, 1850. Its progress is exhibited in the directories. It did good service in checking many a threatening disaster, such as the fire on July 13, 1854,

which reduced 200 buildings, valued at over $400,000, *Alta Cal.*, July 14–17, 1854; and on July 3, 1855, loss $75,000, chiefly among Chinese. After this no extensive fires took place till one in 1874–5, which did not destroy over $100,000.

Water here was worse than fire. On March 7, 1852, after two days of heavy rain, the levee gave way, trees, houses, and bridges were ingulfed, and the city was once more flooded. But the respite afforded by the levee gave time for removing property, and the rise was not equal to that of 1850, so that the damage during the four days of its duration proved comparatively small. *Burnett's Rec.*, MS., ii. 283–7; *Alta Cal.*, March 8–14, 1852; *S. F. Herald*, *id.* On Dec. 19th another break occurred, inundating the business section, but doing little injury. On Jan. 1, 1853, however, the heaviest flood of all took place. The rainfall for the season exceeded the 36 inches of 1850 by a fraction only, but the river rose 22 feet above low-water mark, and the waters stood 2 feet higher in the city, but it quickly receded and did far less damage, partly because the recent conflagration left little to raid upon. Details in *Sac. Illust.*, 7, 20–2; *Sac. Direct.*, of 1853 and 1871; *Alta Cal.*, and *S. F. Herald*, Dec. 11, 1852, to Jan. 1853. Additional work was put upon the levee, and the necessity became apparent that the grade must be raised. *Sac. Union*, March 13, Oct. 27, 1855. Between 1854–61, the city escaped aquatic disasters, but the rainfall for 1861–2 came once more within a fraction of the dreaded 36 inches, and after a slight precursor on March 28th, the flood on Dec. 9, 1861, broke through the levee with such fury as to sacrifice several lives, and ravage the now built-up and beautified city in a hitherto unparalleled degree. Loss estimated at $3,000,000. On Jan. 9, 1862, there was a recurrence, and again in Feb., with a rise of waters fully equal to the highest; but the curse of waters proved of short duration in the now securely established capital. In 1878 the city was seriously threatened, but escaped with slight damage. See journals of the period. The constant improvement of the levee, and with a southern addition, left Sacramento finally securely intrenched within a triangle 12½ miles long, 28 feet above the zero low-water mark, and in part above the high-water mark of 1867. In 1868 a canal changed the outlet of the American River, the most threatening, a mile northward, thus reducing the danger while extending the city limits. *Cal. Jour. Sen.*, 1859, 932.

The double misfortune of 1852–3 shook the faith of many in the city, and several influential traders cast about for another site; but it was not easy to move a commercial centre once established, and the energy of the early rebuilders shamed the wavering. This perseverance was in 1854 rewarded by the location here of the capital, for which Sacramento was well fitted by her central position and prominence. The legislature opened its sessions on March 1st, at the court-house, which served the purpose until the completion of the capitol in 1869.

For a long time the cities bordering on the bay held the advantage in legislative taste. The backward condition of Vallejo in 1852 brought the chambers to the more commodious Sacramento, *Cal. Jour. Sen.*, 1852, 776, and her hopes ran high; but Benicia interposed, and only in 1854 were her offers of the court-house and a block of land accepted. The governor and officials arrived on Feb. 28th, the legislature opened on March 1st, and soon after the supreme court was obliged to acquiesce and leave San José, for which

it held out. A part of the extravagant fund levies of 1850 had gone toward the court-house, which was completed in Dec. 1851. Burnt in July 1854, it was rebuilt, with jail attached, for nearly $200,000, and occupied by the legislature in 1855–6. View in *Sac. Illust.*, 25. A special capitol building was agitated in 1856. *S. F. Bulletin*, Dec. 6, 17, 1856, properly begun in 1861, but completed only in 1869, at a cost greatly exceeding the original estimates, as usual, and as shown elsewhere.

The dignity of state capital gave new life to Sacramento, whose fortunes were still further advanced the following decade by the concentrating of the railroad system at this point. Her growth is instanced by the assessment on real estate, which rose from $5,400,000 in 1854, when 2,500 buildings were counted, to over $13,000,000 twenty years later. By 1880 the population had risen to 21,400.

In 1853 the business section was ordered to be fully planked and provided with sewers, a work which cost $185,000. Ten years later a drainage canal was added, which assisted to reclaim much swamp-land. *Cal. Jour. Ass.*, 1865–6, 691–2. A large portion of the city was gradually raised to high grade, two feet above the highest water mark, thus affording double protection against floods. In 1854 a gas company was formed, and the first street lamps were lighted a few days before the Christmas of 1855. *S. F. Bulletin*, Dec. 15, 1855; *Sac. Union*, *id.*, etc. Projects for street railways began in 1861, and took actual though scarcely remunerative form in 1870. An omnibus ran to the fort in 1850. *Placer Times*, May 8, 1850. The grant of swamp-land assisted in procuring for the city the privileges of a railroad centre for the state. In social and industrial features lie further indications of a progress which by 1854 was marked by the existence of 2,500 buildings, and which in course of years practically absorbed outlying towns like Sutterville, and sites like Webster and Boston. The latter had been founded on the opposite American bank in 1848 by J. Halls, Lieut Ringgold, and H. Grimes, and lots were offered in *Alta Cal.*, Dec. 15, 1849; *Buffum's Six Mo*, 153; Colton's *Three Years*, 417. It no longer exists, says *Sac. Transcript*, May 29, Sept. 30, 1850. Webster, near by, had faded by May. *Id.*, May 29, 1850.

The churches of 1880 had grown from the unpretentious organization in 1849 of five leading sects. Religious services were first held in March 1849 by J. W. Douglass, and shortly after by Williams and Woodbridge, all presbyterians. In May, Grove Deal, and subsequently Roberts, opened for the methodists, and Benton, in July, for the congregationalists, while Cook and subsequently O. C. Wheeler appeared to baptists. Denominational organization began in the following month. The methodists provided the first regular service and house of worship, and the episcopalians claimed the first regular minister and church, the Grace dating from August, under Mines, the congregationalists following in Sept., the methodists organizing in Oct., and the baptists in Nov. After this, progress became substantial, with special temples and an increase of congregations African methodists began services in 1850, catholics the same year, Hebrews in 1852, disciples of Christ and German methodists in 1855, Lutherans and Mormons in 1865, unitarians in 1867, adventists in 1872, united brethren in Christ in 1876 Sunday-schools flourished early in 1850 *Pac. News*, Aug. 1, 1850; see, further, the

chapter on churches. *Hayes' Cal. Notes*, i. 47, 60–1; *Sac. Direct.*, 1853, 9, 1856, etc. *Culver's Direct.*, 77–82, differs on the order of organization. *Sac. Union*, Dec. 16, 1862; Jan. 1, 1864, Jan. 29, 1878, etc.; *Williams' Rec.*, MS., 12; *Willey's Thirty Years*, 39; *Sac. Illust.*, 30–2; *Placer Times*, July 25, 1849.

In 1849 began likewise the teaching of children, but public schools were not opened until 1854, after which, however, they went rapidly forward. Notwithstanding state laws for establishing public schools, school commissioners were not created here until 1853, and only on Feb. 20, 1854, did they open the first public school, with a male and a female teacher, 50 boys and 40 girls attending, a number which fast increased beyond accommodation, so that more schools had to be opened. In July 1854 there were 261 pupils, the private schools claiming 250. The board of education, organized in Nov., made estimates for schools, $3,860 for rent, $9,600 for salaries, including county schools within the city. The first common-school house was dedicated Jan. 20, 1855. There were then 414 pupils, though 578 had applied for admission. In 1856 out of 970 registered children 494 attended; expenses $22,962. Colored and night schools were added in due time, and a high school since 1856, German being taught also in the grammar school. The private schools of 1849 were begun by C. T. H. Palmer in July, who was succeeded by Benton in Oct. or Dec. in Shepherd's building on I street. In 1850 several were opened. See further my chapter on education; *Hayes' Cal. Notes*, v. 60; *Sac. Illust.*, 27; *Placer Times*, Oct. 13, 1849; *Hist. Sac. Co.*, 111 et seq.; *Sac. Direct.*, 1853, etc.; *Sac. Union*, 1854 et seq., passim, at end of terms.

Newspapers date their useful career from April 1849, with the *Placer Times*, and found in this political hot-bed a field so promising as to induce a most prolific issue of rivals, in rapid succession, though short-lived. The *Placer Times* was issued April 28, 1849, by E. C. Kemble & Co., at the fort, 13 by 18 inches, printed with old *Alta* type. It quickly rose from a weekly to a daily, and in June 1851 it consolidated with the *Sacramento Transcript*, which dates from Apr. 1, 1850. It moved to S. F. in 1852, and was soon absorbed by the *Alta*. On Oct. 30, 1850, the squatters started the *Settlers and Miners Tribune*, and on Dec. 23d appeared the *Sac. Index*, as an evening paper, both ephemeral. The strongest of all, the *Sac. Union*, was begun in March 1851 by striking printers, with the well-known Morse as editor. It was absorbed in 1875 by the *Record*. The *Democratic State Journal* of Feb. 5, 1852, survived till 1858. A host of more or less successful journals appeared after this, including by 1880 some 40 dailies, 2 dozen weeklies, and several others. See the chapter on literature; *Sac. Co. Hist.*, 93 et seq.; *Sac. Directories*, etc. Of directories, the first appeared in January 1851, a thin 12mo pamphlet with little more than the names of residents. Collections of books and newspapers are found among several societies.

A cognate and conspicuous feature is the state library, with its extensive collection, and the free library, which in a measure reaches back to 1850, when the Mercantile Library Assoc. was formed with a nucleus of books; but it perished with the fire of 1852. In 1857 it was revived as the Sac. Lib. Assoc., whose collection in 1879 became the nucleus for a free library. Meanwhile the Odd Fellows formed a library in 1855, and the state library rose to become a brilliant feature.

The old rowdy gambling spirit gave way before the growing influence of the home circle, and social reunions, with a preference for musical and athletic entertainments rather than dramatic, although Sacramento boasts of having in Oct. 1879 given the first regular theatrical performance in the state. The first theatre, the Eagle, was opened informally on Sept. 25, 1849, by the Stockton Minstrels, *Placer Times*, Sept. 29, 1849, and by a regular dramatic troupe on Oct. 18th, with the Bandit Chief. *Id.*, Oct. 18. It did not pay. The Tehama was inaugurated in April 1850, and burned in Aug. 1851. The contemporary Pacific could seat 1,000 persons. Rowe's circus opened here in May. In Sept. 1850 rose the American, with Booth, sr, as manager. The fire of 1852 made a sweep which left room for the Sacramento theatre of March 1853, the Edwin Forrest of Oct. 1855, which in 1860 became a melodeon, the National, later Metropolitan, of Aug. 1856, which in later years was the only theatre of the city, the Academy of Music of 1868 failing. See the chapter on drama for references; also Massett's *Drifting*, 135–6, which claims his concert on Apr. 22, 1849, as the first public entertainment here. *Placer Times*, Apr. 22, 1850; *Sac. Rec.*, Dec. 1, 1869; *Sac. Bee*, June 5, 1876; *Sac. Direct.*, 1856, pp. 12–13; *Taylor's Eldorado*, ii. 29–31; *Upham's Notes*, 291 et seq. Of three musical societies the first was organized in 1855. A race-track was formed in 1850, and a Jockey Club, with daily races, says *Sac. Transcript*, Feb. 14, 1851. The city council of this year forbade bull-fights, *Id.*, Oct. 14, 1850, which usually took place between bears and bulls. Yet a bear-fight is recorded in 1856. *Hayes' Cal. Notes*, i. 277. Rifle and athletic clubs won favor. Journals of July 1–5, 1850, indicate elaborate entertainments for the national birthday. The entries of sailing crafts numbered in 1856 nearly 700, with a gradual increase, only of small craft, however, for sea-going ships soon confined themselves to the bay. The chief distributing agents in early days were pack-trains and teams, which in 1855 numbered 700, and absorbed about $3,500,000 in freights. The trade of the city then amounted to $6,000,000 a month. Railroads now began to curtail this means of transportation, as well as the stages, which in 1856 covered 24 main routes with over 200 coaches and wagons. By 1853, however, the steamboats conducting the river traffic numbered 25, with a tonnage of 5,075 tons, valued at somewhat over $1,000,000. Most of them were absorbed by the Cal. S. Navig. Co., which added boats of from 1,000 to 1,600 tons. In 1867 there were 31 steamers. Their competition afforded comparatively little room for sailing vessels, and larger ones soon stopped within the bay, but sloops and schooners kept a large share of the traffic, their entries increasing from 246 in 1851 to 681 in 1856 and 953 in 1859. The greater part of the goods brought by them were transmitted to the interior by teams, which in 1855 numbered 700, receiving $3,500,000 in freight, assisted by several stage lines, for which Sacramento was the centre. In 1853 these lines consolidated with a capital of $700,000, embracing in 1856 over 200 coaches and wagons, with 1,100 horses, which covered 24 main routes, traversing daily nearly 1,500 miles. The telegraph opened here in 1853. In 1855 the monthly trade of the city was estimated at $6,000,000 upon a capital of $10,000,000, the monthly receipt of gold-dust being $3,000,000, and the manufacturing outturn $300,000. The financial crisis this year at S. F. found here a serious reflection, although

the traces were soon effaced. For further and more general account, see the chapters on commerce; also *Merc. Gaz.*, yearly end review of *Alta Cal.*, etc.; *Id.*, March 31, 1853; *Sac. Transcript*, Feb. 14, 1851; *Sac. Union*, Nov. 24, 1855; *Sac. Illust.*, 27, etc.; *Wheaton's Stat.*, MS., 8–9. As the centre of distribution for the valley, the city became noted for its superior hotel accommodation.

The manufactaring resources of the city, which in 1855 were estimated to produce $300,000 a month, gained in proportion to the trade, with aid notably of lumber, flour, and woollen mills, foundries, breweries, and fish, pork, and fruit curing. Several industries were started by Sutter, as already related, including a pretentious flour-mill at Brighton, which was never completed. In 1850 two such mills were established at Sacramento. Several others followed after the fire of 1852. In 1855, there were six, with a capacity of 585 barrels a day. The spring of 1850 saw here the foundry known as the Cal. Steam Engine Works. The Eureka was established in Sept. 1851, which in time yielded to the Union of 1857. The Sacramento opened in Oct. 1852, Anderson's boiler-shop in 1853, and several more after 1857. P. Kadell began brewing in 1850. Seven rival establishments appeared during the following 30 years, besides distilleries, producing in 1879 over half a million gallons. A soda factory started in 1849. A number of brick-yards succeeded Zins' pioneer kilns, and bricks were shipped in 1851–2. Wagon-shops, which rank among the earliest industries, numbered in 1858 fourscore. Fish-curing began in 1851, and four years later three establishments employed therein from 100 to 200 persons. Pork-curing opened successfully in 1853, and of late years fruit-curing. Saw and planing mills and sash factories were established in and after 1852. A pickle factory started in 1852, and in 1856 soap was made on a large scale. A regular tannery early succeeded to Sutter's primitive vats, and potteries date since 1851. Among other later industries, the woollen mills of 1868 take prominence. For additional information on the early condition of the city, see notably *Sac. Transcript*, May 15–June 15, 1851; *Placer Times*, Sept. 15, 1851–2; *Bauer's Stat.*, MS.; *Garniss' Early Days*, MS., 20–1; *Wilson's Travels*, MS., 29–31; *Grimshaw's Nar.*, MS., 20–3; *Player-Frowd's Cal.*, 10–14; *Hancock's Thirteen Years*, MS, 126; *Fay's Facts*, MS, 7–8; *Burnett's Rec.*, ii, 29 et seq.; *Robinson's Port.*, 108–42; *Hayes' Cal Notes*, v. 61, etc.; *Sac. Co. Hist.*, passim, which contain much compiled material of value. I have also consulted the archives in the county clerk's office, the courts, and state library. In the Sac. directories there is much history. In *Culver's Directory* appears some important information. John F. Morse gives forty pages in the *Sac. Directory* of 1853–4, published by Samuel Colville, the only good early sketch of the city, and which has constituted the groundwork of all the directory histories succeeding it. To the sketch of Morse, Robert E. Draper made important additions, which appeared in the directory issues of succeeding years. In the *Sac. Directory* of 1871, Daniel J. Thomas throws together 100 pages of 'History of Sacramento.' To a certain extent, directories, like newspapers, constitute first-class historical material. After 1852, a directory was issued annually. *Sac. Illustrated* is the title of a paper-bound 4to of 36 pages, published at Sac. in 1855, and which comprises an elaborate history of Sac., bringing it down from the conquest by Cortés! Although depending mainly on Morse's account, it is, nevertheless, a valuable

contribution. Barber and Baker are the authors as well as the engravers and publishers. Illustrations are given of Sutter's Fort in 1846; the embarcadero, summer of 1849; Sac. in 1855; Sac., winter of 1849; J street, 1st Jan., 1853; Sac., winter 1853; Sutterville, Washington, beside many views of buildings and localities. Further Sac. history may be found in *Capron's Cal.*, 91-3, 102; *Player-Frowd's Six Months*, 10-14; *Taylor's Eldorado*, i. 219-20, 223-4; *Lett's Cal. Ill.*, 131-3; *Matthewson's Cal. Affairs*, MS., 1-2; *Currey's Incidents*, MS., 7; *Moore's Pion. Ex.*, MS., 3, 8; *Barnes' Or. and Cal.*, MS., 14.

The most prominent town north of Sacramento, since 1849-50, was Marysville, founded by C. Covillaud, at the head of steamboat navigation on the river. This advantage, together with proximity to the rich mining districts along Feather and Yuba rivers, gave this place the lead over a host of rival aspirants, after the eclipse of Vernon, at the mouth of the Feather. By Feb. 1851 Marysville stood incorporated as a city, and faced unflinchingly the customary affliction of California river settlements in the charge of fires and floods. Progress continued throughout the fifties, after which the decline in mining had its effect, especially when the railroad began to abstract trade. Agricultural interests have, however, interposed a check, coupled with bright promises of a partial revival.

On the site of Marysville stood originally New Mecklenburg, a trading post of two adobe houses erected by Theodore Cordua, a native of Mecklenburg, who had leased the tract from Sutter for 19 years for a stock rancho. A sloop maintained frequent communication with Sutter's Fort and Yerba Buena. In Oct. 1848 he sold half his interest in the rancho, and in his own grant stretching north of it, to Charles Covillaud, a Frenchman, his overseer, for $12,500, and three months later the remainder, for $20,000, to M. C. Nye and W. Foster, his brothers-in-law. This new firm opened stores at different mining camps, Nye staying at New Mecklenburg, which now became known as Nye's rancho. In Sept. Covillaud bought the entire real estate, only to admit three other partners, J. M. Ramirez, J. Sampson, and T. Sicard, under the firm of Covillaud & Co. In the spring of 1849 the town of Vernon had been founded at the mouth of Feather River, the supposed head of navigation, but with the rise of water toward the close of the year, experiments proved that the Yuba mouth could claim this advantage. Encouraged, moreover, by the congregation here of miners during the winter, Brannan, Reading, and Cheever had since July sought to plant an entrepôt opposite in Yuba City. With this double incentive Covillaud & Co. engaged A. Le Plongeon, later explorer of Yucatan, to lay out a rival town under the similar name of Yubaville. Both places were trumpeted abroad, and lots freely sold; but the latter site, being more accessible to the rich Yuba mines, soon took the lead, and by the beginning of 1850 boasted a population of 300. Advertisement in *Placer Times*, Jan. 19, 1850. On Jan. 18th, Stephen J. Field, who had just come up to act as agent for the firm, was elected first alcalde, assisted by J. B. Wadleigh, with T. M. Twitchell for sheriff, replaced by R. B. Buchanan, and with a council. All official duties were left to Field, however, who promoted local interests by obtaining a perfected title to the land from Sutter, by taking prompt steps to suppress cattle-stealing, as per notices in *Id.*, Feb. 2, 1850, and by overcoming

squatter intrusions. *Cal. Courier*, Aug. 26, 1850. Stimulant was given by the arrival at this time of the steamboat *Lawrence* with cargo and passengers, and the establishment of regular communication with Sac., with the help of the *Phœnix*, *Linda*, and other boats. *Marysville Directory*, 1855, p. iv.–v. Freight 8 cents a pound, fare $25. *Hutchings' Mag.*, iii. 348. Thus assured, the name of Yubaville—with the suggested Sicardova and Norwich—was exchanged for Marysville, in honor of Covillaud's wife, Mary Murphy of the Donner party. *Burnett's Rec.*, MS., i. 381; *Quigley's Irish Race*, 211; *Ballou's Adven.*, MS., 22. The best accounts of the founding are in *Field's Remin.*, 20 et seq.; *Yuba Co. Hist.*, 33 et seq.; *Delano's Life*, 286; *Crosby's Stat.*, MS., 27–8; *Warren's Dust and Foam*, 146–7; *S. F. Herald*, Oct. 16, 1851. Among the pioneers were J. Crook, E. Gillespie, G. H. Beach, Al. Kerchner, D. C. Brenham, Colton, Parks, and Fisk. The first frame house was brought up by Ayers and Colby. By the middle of Feb. 1850 the inhabitants were placed at 500, and the floating population at 1,000. Over 350 lots had been sold by March. Among leading business houses were Low & Bros, Cook, Baker, & Co., J. C. Fall & Co., Ford & Goodwin, Babb & Eaton, Eaton & Green, Treadwell & Co., Packard & Woodruff, and J. H. Jewett. The first religious services were held by Washburn, who kept a store. Comments in *Wood's Pioneer*, 89–90; *Marysville Dir.*, 1855, p. viii. In April the *Sac. Transcript*, Apr. 26, 1850, enumerates 150 structures besides tents, with a hospital nearly completed; 700 votes were then cast here for county officers. The *Marysville Herald* began its issue on Aug. 6, 1850. In this month there were 25 vessels at the levee. *Directory*, p. x. The fall in the water level interrupted navigation, with recourse to stages and mule train, to the consternation of many investors and to encouragement of rival towns like Eliza, Plumas, Veazie, Hamilton, Linda, Featherton, Yaleston, which aspired to at least a share of trade. But in Nov. the *Gov. Dana* reopened the river route, and the lighter steamers of later years overcame the difficulty. Thus reassured, a charter was somewhat hastily adopted Dec. 17th, with great enthusiasm. On Feb. 5, 1851, Field assisted in the legislature to incorporate the city of Marysville. Text and discussion in *Cal. Statutes*, 1851, 550; 1857, 40, 257; 1860, 78; *Cal. Jour. Sen.*, 1851, p. 1828, 1851; later modifications in *Id.*, 1855, p. 877; *Cal. Statutes*, 1855, 321; *Hittell's Codes*, ii. 1653. The first mayor was S. M. Miles; there were 8 aldermen. Officials in *Marysville Manual*, 85–6. Miles' impeachment in *Turner's Impeachment*, 45; *Id.*, *Stat.* Further danger threatened the rising settlement in several disastrous conflagrations, the first on Aug. 31, 1851, which destroyed buildings in the business portion, with a loss of half a million dollars; the second on Sept. 10th, loss $80,000. Rebuilding was prompt, however, and steps were taken for a fire department, which succeeded in checking subsequent fires, till 1854, when two severe ravages took place, involving $400,000. The next large fire happened in 1856, loss $145,000, after which only smaller raids occurred. *Alta Cal.*, Sept. 2, 11, 1851; Nov. 9, 1852; May 26, July 29, 1854; Sept. 7, 1856; *Placer Times*, Sept. 15, 1851; *Marysville Herald*, being their main source; *S. F. Bulletin*, Sept. 8, 1856, etc. Water and gas contracts in 1855. *Sac. Union*, Feb. 15, 1855. Floods also brought their effective lessons. Traditionary inundations were spoken of by Indians, wherein entire villages had been swept away, and in 1846–7 an over-

flow took place. Marysville suffered little in the wet winter of 1849–50, but in 1852–53 four freshets came between Nov. and March, causing great loss. The city grade was raised, and later a levee constructed. *Alta Cal.*, Jan. 5, 1853; *S. F. Herald*, March 31, Apr. 1, 1853; *Yuba Co. Hist.*, 67–9; *Marysv. Directory*, 1858, p. x. The subsequent rise of waters therefore did no harm except in 1861–2 and 1866, and notably in 1875. The city flourished with the mines, and the census of 1852 assigned her a population of 4,500, including no doubt a floating mass. *U. S. Census, Seventh*, 982. The proportion of nationalities is indicated by the death list, embracing 92 Americans, 39 Mexicans, 16 Frenchmen, and a small scattering of others. The number of brick houses increased from two in 1851 to 49 in 1855. The first directory appeared in Aug. 1853. In 1855 the population had reached nearly 8,000, with property assessed at $3,320,000, a funded debt of $100,000, besides $23,000 scrip; taxes $2.05 per $100. *Marysville Dir.*, 1855, p. xiii.; *F. F. Low, Stat.*, MS., 6–7. Low, established here since 1850, opened a bank after the great crisis of 1855. *Henshaw's Events*, MS., 6; *Bauer's Stat.*, MS., 5–6; *Sac. Union*, July 13, Nov. 15, 1855, etc.; view in *Pict. Union*, Jan. 1855; *Marysville Appeal*, Jan. 14, 1865; July 2, 1870; *Hutchings' Mag.*, iii. 347–8. Previous to 1860, when counting 1,881 votes, it had attained to the third place in the state, but the decline of mining and the trade absorbed by the railroad caused it to fall behind, until by 1880 the population was little over 4,300.

Corresponding to Sacramento, which forms the main depôt for the northern half of the great valley, Stockton taps the southern half, sustained by the additional advantages of being the head of summer navigation on the San Joaquin. An appreciation of these features led to its founding, by Charles M. Weber, as early as 1847, and the gold excitement gave so decisive an impulse that by 1849 the isolated rancho had sprung into a tented town of a thousand inhabitants, swelled by a still larger floating population, and with a trade rapidly increasing in response to the unfolding mining region; facilitated on the one side by regular sail and steam communication with San Francisco, and on the other by wagon and pack trains by the hundred. As a winter station for miners, it partook of the stirring phases of life characterizing the metropolis at this period, with gambling and drinking houses, dissolute and criminal excesses. In 1850 it became the county seat and an incorporated city, and in the following year the state insane asylum was placed there about the time of a great conflagration which swept away half the city. Since then the agricultural development of the fertile valley, with the aid of irrigation canals, swamp-land reclamation, and railroad construction, have sustained the steady prosperity of the place.

Founded in 1847, by Charles M. Weber, under the name of Tuleburg, and laid out by J. O'Farrell, the spot was also known as New Albany, after the birth-place of Weber's partner, Gulnac. *Stockton Indep.*, Oct. 13, 1866. It met with little success till the gold discovery opened fresh prospects. After a trip to the mines with the Stockton Mining and Trading Company which he had here organized, Weber returned in Sept. 1848 to open a store, and to establish the place as an entrepôt for the southern mines. Lying intermediate between these, and along the accepted route through Livermore Pass to them

and to Sacramento, as well as at the head of summer navigation in the San Joaquin River on Stockton or Mormon Slough, its position was assured. In the following spring it was laid out, resurveyed by Major Hammond, and given the more pretentious name of Stockton, after the commodore. Settlers flocked in and round the few tule houses, and the one wooden building of the autumn of 1848—which some call Bussell's Tavern—sprang quickly a tented town, with a permanent population in the following year of 1,000, besides a still larger floating mass of passengers for the gold region, of visiting and wintering miners, and passing traders. This floating population Upham, *Notes*, 237, estimates at 2,000. In April 1850 some 2,000 or 3,000 people landed here en route for the mines. Among the first settlers were W. Maxwell, Jos. Bussell, for a while the only married man, Jas Sirey, Stockton, D. Whitehouse, N. Taylor, G. G. Belt. *Stockton Indep.*, May 25, 1875; *Stockton Herald*, May 25, 1875. In Aug. 1849, Taylor, *Eldorado*, i. 77, found 25 vessels in the port; a firm doing business to the extent of $100,000 had just bought a lot of 80 feet for $6,000, and erected a $15,000 clapboard house. *Buffum's Six Mo.*, 155; *Larkin's Doc.*, MS., vii. 92; *Pac. News*, Jan. 1, 1850. Irregular plan, says Hall, *Son.*, MS., 21–1; *Willey's Pers. Mem.*, MS., 96; *Alta Cal.*, June 14, 1849; *Miscel. Stat.*, MS., 21. Yet only 2 or 3 wooden houses. *Staple's Stat.*, MS., 9; *McCracken's Portland*, MS., 1–2. "Head of navigation." *Sutton's Exper.*, MS., 1; *Findlay's Stat.*, MS., 1–2; *Grimshaw's Nar.*, MS., 38. The early whale-boats communicating with Yerba Buena had been replaced by schooners, two owned by Hawley, *Observ.*, MS., 5, and these were soon supplanted to some extent by steamboats, of which the first to arrive here, in Aug. 1849, was the *Merrimac*, *San Joaq. Co. Hist.*, 23, followed by the *Capt. Sutter*—the first according to Tinkham, *Hist. Stockton*, 318—the *El Dorado*, *Wm Robinson*, *Mariposa*, *Mint*, and *Mansel White*. Several ocean vessels of light draught were brought up and abandoned, from which material was obtained for building a sloop as early as May 1850. In later years ship-building was constant here. The traffic by water in early days was mainly in the nature of imports, which by 1855 had grown to such an extent that over 2,800 tons were at times landed in a single week, *Sac. Union*, July 25, 1855; while export proceeded chiefly by wagon or prairie-schooner trains. In the autumn of 1850 were counted 70 teams and over 200 pack-mules on the road between Stockton and the Stanislaus. *S. F. Picayune*, Sept. 19, 1850. Each team carried from 5,000 to 6,000 lbs. In Dec. 1852 the freight to Sonora was $20 per cwt. *Alta Cal.*, Nov. 25, Dec. 8, 1852; Dec. 7–8, 1856. Stages had been started in 1849 to Calaveras by Raney. *Taylor's Eldorado*, i. 79, 75. Ferries were doing a good business on the San Joaquin at $2 for a mounted man. *Cal. Courier*, Sept. 9, 1850; *Sac. Union*, Sept. 22, Oct. 12, 17, 1855. Seven stages leave daily. *S. F. Herald*, June 16, 1851. In 1856 a little flour and some hides shared with gold and passengers the return shipments. In 1851 steamboat competitors offered free passage to S. F. *Sac. Transcript*, Jan. 14, 1851. A new steam line was proposed in the *Stockton Item*, Jan. 8, 1855. As a resort and winter station for miners life displayed itself in varied phases, with drinking and gambling saloons in full blast, and with a criminal admixture that gave the vigilance committee of 1851 no small work. Two men were hanged as early as 1849. *Tinkham's Hist.*, 135 et seq.;

Placer Times, Apr. 13, 1850; Nov. 30, 1851; *Wadsworth* (2d alcalde in 1849), in *Vig. Com. Miss.*, MS., 26; *Unbound Doc.*, MS., 49; *Pac. News*, Nov. 20, 1850; Feb. 10, 1851; *Alta Cal.*, Feb. 26, June 27, 1851; June 23, 1854; Oct. 1, 1855. In Feb. 1850 the town became the county seat for San Joaquin, and on July 23d it was incorporated as a city, Sam. Purdy being chosen the first mayor. The 7 aldermen chosen were soon after increased to 11. *Hittell's Codes*, ii. 1587; reincorporation, in *Cal. Jour. Sen.*, 1852, 779; *Id.*, *Statutes*, 1857, 133, 197; 1859, 72; 1869–70, 24, 587; 1871–2, 557, 595; *Stockton Indep.*, June 24–5, 1880. The preceding alcaldes were G. G. Belt, the first, Reynolds, and Ben. Williams, the latter first county judge, none of them worthy men, says Tinkham, *Hist.*, 131, 136, 145. They had latterly been aided by a council. Finances, in *Alta Cal.*, Dec. 12, 1852. This indication of stability increased settlement, and the *Pac. News*, May 17, 1850, speaks of some 200 houses going up within a few weeks, brick buildings beginning in 1851; yet the court-house was not erected until 1854. The channel was bridged, a newspaper appeared on March 16, 1850, in the *Stockton Weekly Times*, followed in June by the *Stockton Journal*.

In the same year school and church buildings rose, the presbyterian leading, in May, although teaching and preaching had flourished since 1848–9. *Stockton Herald*, June 28, 1870; *Id.*, *Indep.*, Sept. 18, 25, 1875; Nov. 16, 1878; *Woods' Pioneer*, 21–8, 91–2. An abode was also provided for Thalia; and with 1851 the state insane asylum was established here. Outline in *Cal. Jour. Sen.*, 1877, ap. ix. The position exposed it to overflows, which during the first years made the spot a mud-hole, *Soulé's Stat.*, MS., 2–3; *McDaniel's Early Days*, MS., 17; and in Dec. 1852, especially, did much damage, the water rising 20 inches higher than ever before, and carrying off the bridge and fire-engine house. *S. F. Herald*, Dec. 22, 1852. Of fires it had the usual experience, the first notable one being on Dec. 23–4, 1849, and the heaviest on May 6, 1851, which destroyed half the city, with a loss placed at over a million dollars, 100 firms suffering. *Pac. News*, Dec. 27, 1849; *Little's Fireman's Book*, 70; *Sac. Transcript*, May 15, 1851; *Alta Cal.*, May 8–9, 1851; *Sac. Union*, Aug. 1, 1855; June 19, 1856. The fire brigade started in 1849, developed by the following year into a regular department, as described in *San Joaq. Co. Hist.*, 9 et seq. View and description of Stockton in 1854. *Pict. Union*, Apr. 1854; *S. F. Bulletin*, Jan. 27, 1862. The *Stockton Directory*, 1856, places the property value at $2,616,000. By 1877 it had risen to $17,-000,000, debt $400,000. By 1870 the population stood at 10,000, after which the increase was slow for a time. *Orr's Stockton*, 3–25; *Stockton Independ.*, 1861–79, passim; *Id.*, *Herald*, May 17, 1878.

Among mining towns Placerville presents a striking illustration of their vicissitudes and evolution. It sprang into existence as a rich camp in the middle of 1848, and gained early in the following year unenviable notoriety as the scene of the first mob tribunal of flush times, together with the significant appellation of Hangtown, which still clings to it. As a 'dry diggings' it fluctuated with the seasons, between winter flowing with water and prosperity, and summer drought with dulness and departures. The opening of a canal, however, chained fortune for a time to the spot, and raised it to the

rank of a leading mining centre and incorporated city. In 1856 it began to sink with the declining gold-fields, weakened moreover by a conflagration which then swept almost the entire city. After being substantially rebuilt, it received temporary solace in becoming an entrepôt for the Washoe mines, changing meanwhile into a staid agricultural town with the dignity of a county seat. Discovered in the summer of 1848 by the mining party of Daylor, Sheldon, and McCoon, farmers of the Cosumne, it became shortly after known as Old Dry Diggings. The first store is said to have been started by Beaner, and Mrs Anna Cook claims to have been the first white woman on the spot. During the winter Oregonians formed the leading American element, but Latin nationalities were prominent, streaked with criminals, and outrages became so glaring as to rouse the former to hold the first popular tribunal of flush times. Several robbers were caught and flogged, and three of them hanged to the nearest tree, whence the unsavory name of Hangtown. The legislature of 1850 gave recognition, however, to the neater appellation of Placerville, to the exclusion of Ravine City, suggested by the irregular site and by the Ravine designation of several parts of the camp. Another cloud long obscured it in defective land titles. Concerning names and their origin I refer to my *Popular Tribunals*, i. 144, etc.; *Ballou's Adven.*, MS., 22; *Coleman's Stat.*, MS., 10; *Borthwick's Cal.*, 103; *Grimshaw's Nar.*, MS., 1-2; *Buffum's Six Mo.*, 83-4; *Ross' Nar.*, MS., 12-13; *Sayward's Pioneer*, MS., 7; *Sac. Record*, March 6, 27, 1875; July 7, 1877. By the following season the rich surface was considered as worked out by many of the early 'cream-skimmers,' and in the early summer of 1850 the place bore a subdued appearance, with the main street almost abandoned, says a writer in *El Dorado Co. Hist.*, 209. Although this appears to be an exaggeration, it is certain that the great overland migration of that year selected there the chief halting station and gave it a sudden bound, with a population in Oct. of 2,000. *S. F. Picayune*, Oct. 21, 1850; *Cal. Courier*, Aug. 21, 1850; *Sac. Transcript*, Aug. 30, 1850; Feb. 1, 1851. During the winter miners were again making from $8 to more than $200 a day. Kalloch, a baptist, and father of San Francisco's socialistic mayor, founded the first church in the spring of 1850. Again came a spell of dulness, partly as a natural reaction upon the late rush of prosperity, partly due to the inactivity enforced by the summer drought at dry diggings. The South Fork canal was started, however, to supply the want, and this brought about a greater run of good fortune than ever before, with the rank of a leading mining town. The population increased until in 1854 it polled the third highest vote in the state, 1,944, following S. F. and Sac., and encouraged the building of two theatres, the first opened in 1852. Between 1853-5 a fire department was organized, and saw and flour mills, brick-yards, and foundries sprang up. On May 13, 1854, it was incorporated as a city, with six alderman. *Cal. Statutes*, 1854, 74, 199; 1857, 33, 244; 1859, 419; *Cal. Jour. Sen.*, 1854, 597; *Hittell's Codes Cal.*, ii. 1431; *Cal. Jour. Ass.*, 1856, 447-55, 902; and for mayor, Alex. Hunter, who had opened the first banking and express office. With 1856, however, the weekly gold harvest of 6,000 or 8,000 ounces began to decline, and on July 6th came a conflagration which swept nearly the entire town, with damages estimated at a million. Three months later upper Placerville was similarly devastated.

Alta Cal., Apr. 17, July 7, 11, 1856; *S. F. Bulletin*, Apr. 18, July 7, 10, 11, 1856. The decline in mining, not having yet become very marked, the inhabitants resolutely proceeded to rebuild, and in a substantial manner, which betokened strong faith. The *Sac. Union*, July 30, 1855, indeed sang its peon as the destined golden city of the Sierra. See also *Id.*, Jan. 30, Apr. 11, June 1, July 9, Sept. 10–11, Oct. 10, 1855. Rich gold layers were found in cellars. This enterprising spirit was not altogether wasted, for in 1857, after many vain efforts, the county seat was transferred hither from Coloma, and justly so, considering its greater importance and more central position. A period of revival came with the development of the Washoe mines, which made Placerville a lively supply and way station until the railroad from Sac. drew its foreign trade away, and threw it back upon its local resources, which was viniculture and cognate industries, to which irrigation has lent stability. A branch railroad sustains it as the chief commercial town of the county. See, further, in *Hist. El Dorado Co.*, 12; *Hawley's Lake Tahoe*, MS., 2. The population stood in 1880 at 1,950.

Sonora was remarkable in early days as the centre of the southern mining region, and for its at one time preponderating Hispano-American element by which it was founded, the name being given by the Sonoran diggers who first camped here. Anglo-Americans quickly assumed the control, however; not without an aggressiveness which led to many race dissensions, which reduced the population from 5,000 in 1850–1 to about 3,000. For these the city government adopted in 1851 soon proved too heavy, suffering as it was from the effect of several disastrous fires; and so the administration was transferred in 1855 to a board of trustees. As elsewhere, agriculture has gradually increased to counteract the decline of former resources, and even to warrant reincorporation.

The name Sonora Camp was given in the middle of 1848, partly to distinguish it from the adjoining Jamestown and Wood Creek, or American camps. Among the first settlers were C. F. and T. Dodge, and R. S. Ham, the latter chosen first alcalde that same autumn, and succeeded by Jas Frasier. In *Unbound Doc.*, MS., 13, E. T. Dummett is mentioned as alcalde in Sept. 1849. *S. José Pioneer*, July 28, 1877. Its rich gold-fields attracted miners rapidly, until it surpassed every other camp in 1849, with a population of 5,000, and attendant life and revelry. The enforcement of the foreign miners' tax in the following year roused the foreigners, and although bloodshed was avoided, many of them were driven out to swell the robber hordes which subsequently gave so much trouble to the vigilance committees and authorities. *Jour. Com.*, July 29, 1850; *Avila, Doc.*, 225; *Son. Democ.*, Oct. 9, 23, 1875, with docs; *Placer Times*, Jan. 15, 1852; *Alta Cal.*, March 16, June 18, July 3, Sept. 19, 1851; *Cal. Courier*, July 22–9, Aug. 2, 1850; *S. F. Herald*, June 1, 4, July 9, 1850. Concerning condition of town, *Borthwick's Cal.*, 316, 329; *Pac. News*, May 8, Sept. 11, Nov. 2, 1850, with allusion to a saw-mill. One effect of the tax was to drive away half the foreign miners, *Hayes' Mining*, i. 33; but the population rose by the winter to 3,000, at which figure it long remained. Capron, *California*, 100, estimates it at 4,000 in 1854. Scurvy had committed great havoc during the preceding winter, especially among

the Mexicans. The community accordingly combined on Nov. 7, 1849, to establish a hospital, and the appointment of trustees for this suggested the desirability of extending the organization into a town government, with an unpaid council of seven, C. F. Dodge, alcalde at the time, being chosen mayor. A survey and plan of the town formed one of its tasks. With the formation of the county in the spring, this body ceded its power to a miners' justice of the peace, R. C. Barry, chosen in May 1850, Sonora being made the county seat. In the following May it was incorporated as a city with two aldermen, headed by Dodge as mayor for two consecutive terms. This system proving expensive, however, a simplified charter of 1855 vested the government in a board of five trustees, with merely municipal power. *Cal. Statutes*, 1851, p. 375-9; 1854, p. 208-11; 1855, p. 35-7; *Cal. Jour. Sen.*, 1851, p. 1835; 1855, p. 879; *Id.*, *Ass.*, 1856, p. 952. Reincorporation followed later. *Statutes*, 1862, 228; 1877-8, 23, 596. The public burden had been aggravated by three devastating fires, besides minor outbreaks, the first in the autumn of 1849, which swept away nearly the entire canvas and brush town; the second on June 18, 1852, which destroyed its most valuable sections, with a loss of $700,000; the third on Oct. 4, 1853, of half this extent. *Alta Cal.*, June 20-1, Aug. 20, Oct. 6-7, 1883, places the former loss at fully a million, and hints at incendiarism. Floods occurred, although doing little damage. *Id.*, Jan. 8, 1853; *S. F. Herald*, June 20-1, 1852; Oct. 6-7, 1853; *Sac. Union*, Feb. 27, 1856. Borthwick, *Cal.*, 347-52, refers to the rapid rebuilding. The *Sonora Herald* was issued on July 4, 1850, followed in 1852 and 1854 by two other journals, notably the *Union Democrat*. In the same year religious congregations were formed, the catholics being here foremost, with the first church of adobe. A few manufactures followed Charbonielle's first saw-mill, and gradually agriculture. View and description in *Pict. Union*, Apr. 1854; *S. Joaq. Repub.*, Sept. 25, 1852; *Sonora Herald*, Dec. 9, 1854; *Sac. Union*, Jan. 10, May 2, July 4, Aug. 6, Oct. 13, 22, Nov. 3, 20, 1855; Jan. 10, March 11, Apr. 3, June 10, Oct. 1, 13, 27, 1856; *Alta Cal.*, *S. F. Bulletin*, about same date; *Tuolumne Independ.*, Jan. 13, 1877, etc. The population by 1880 stood at 1,490.

Of marvellous growth was Nevada City, which bounded upward within a few months from a mere camp to the foremost mining town in 1850, the centre for some 12,000 miners, overflowing with bustle and revelry. The insufficient rains of the following winter produced a reaction, but ditches being constructed, a revival took place, attended by ground-sluicing and drift-digging on an extensive scale. The discovery of quartz veins lifted expectation to such a pitch as to call for a city charter; but this new form of mining not being understood here at the time, the bubble burst and retrenchment became the order. A steadier development followed improved methods, and in 1856 the city was able to cast the third highest vote in California. While continuing to flourish, sustained by good veins and the dignity of the county seat, it was soon to be surpassed by the contemporary and adjoining settlement of Grass Valley, the chief quartz mining locality in California. The development of the latter has been less spasmodic and checkered, from the nature of the main resource, and it differs from most mining towns in not being defaced by unsightly excavations and denudations pertaining to placers.

The houses lie scattered over extensive undulating hill slopes, in the midst of orchards and flower-beds, presenting a most picturesque appearance.

The first cabin near the site of Nevada is attributed to J. Pennington, T. Cross, and W. McCaig, in Sept. 1849. In the following month A. B. Caldwell erected a log store, after which the Deer Creek Diggings, as they were called from the stream tributary to Yuba River, received the name of Caldwell's upper store. The field proved rich, and rumors spreading of the many fortunes dug out, a rush of gold-seekers ensued in the spring, until the number at one time gathered within a circuit of seven miles was estimated at from 15,000 to 35,000, with 150 stores, 14 hotels, 2 hospitals, church and school, and a city population equalling that of Sac., writes the *Sac. Transcript*, Jan. 14, 1851; Oct. 14, 1850. Some 4,000 or 5,000 in the vicinity, says *Cal. Courier*, July 13, 1850. Over 400 houses. *Id.*, Oct. 14; *S. F. Picayune*, Sept. 14, 1850; *Pac. News*, Oct. 22, 1850. With 2,000 inhabitants, and a dozen camps around with 8,000. *Shinn's Mining Camps*, 210. Thus it sprang up the foremost mining town within a few months; as the *Transcript* expresses it, with 2 or 3 saw-mills and clapboard-men busy preparing building material; with churches and schools; *Sargent*, in *Grass Val. Dir.*, 1856, 22–3, with bull-ring and gambling-houses far surpassing its head town of Marysville in riches and revelry. The winter of 1850–1 proving dry, a depressing reaction set in, capped by a disastrous incendiary fire of March 11, 1851, which reduced half the place to ashes, with a loss of half a million dollars. *Alta Cal.*, March 14, 1851; *S. F. Picayune.* Dane, *Fireman*, 71, places the loss at $1,200,000. But just then began a revival, based chiefly on quartz discoveries and aided by the completion of the first ditch, Rock Creek, nine miles long, a stupendous enterprise for that time. The different methods of washing were extended by ground-sluicing, and drift-digging became a leading feature, notably at the suburb Coyoteville, so named from the coyote mining there followed, where the population centred for a time. Evidences of prosperity were the appearance, in April 1851, of *The Journal* newspaper, and the construction of a special theatre. Then came brick buildings and a foundry and other industries. In March 1850 an alcalde had been chosen in the person of Stamps, the first married settler, also a sheriff, and the name of Nevada applied from the snowy range above. In May this official body gave place to a justice of the peace, the eccentric Olney. With the revival in 1851 an interested clique rushed for a city charter, with ten aldermen, and M. F. Hoit for mayor, *Cal. Statutes*, 1851, 339, but the collapse of the quartz excitement, resulting in a large decrease of population, led to an application for the repeal of the charter. The debt so far incurred, $8,000, was left unsettled for lack of funds. A new and less expensive incorporation of 1853 being set aside by the courts, another city organization was effected in 1856. *Id.*, 1856, 216–19; *Cal. Jour. Sen.*, 1851, p. 1829; 1852, p. 769; 1856, p. 906. See also *Id.*, *House and Assembly.* Three heavy conflagrations, of July 19, 1856, which swept away the business section, with a loss exceeding a million dollars and ten lives, and of May 23, 1858, and Nov. 8, 1863, covering nearly the same district, but with a loss of only $230,000 and $550,000, *S. F. Bulletin*, July 21–3, 1856, *Alta Cal.*, etc., proved temporary checks to progress. In 1856 the city cast the third highest vote in California. The development of quartz mining,

and the prestige of the county seat, served to sustain the city. In 1861 a gas company was formed. The chief trade was with Sac., with which a railroad opened in 1876, but this city had meanwhile absorbed much of Nevada's entrepôt traffic in the country by means of her main line eastward. For further account of progress, I refer to sketches in *Grass Val. Directory*, 1856, 15 et seq.; *Nevada Co. Directory*, 1867, 73 et seq.; *Nevada Co. Hist.*, 78 et seq.; *Sac. Union*, Nov. 28, 1854; July 12, 26, Sept. 1, 21, 29, Nov. 22, 1855; Sept. 19, Dec. 10, 1856, etc.; *Alta Cal.*, Sept. 13, 1856, etc.; *Nevada Herald*, Aug. 28, 1879. The census of 1880 assigns a population of 4,022, the township standing fully 1,000 behind Grass Valley.

Oregonians appear to have begun mining in 1848 at Grass Valley, but the first cabin is attributed early in 1849 to Saunders, Taylor, and Broughton, and the first store in Dec. to J. Rosiere; yet Morey claims the first store in Grass Valley proper, in the summer of 1850. The main pioneer settlement rose in Boston Ravine. The quartz discoveries of June, and especially of Oct. 1850, attracted wide attention; and the same year a stamp-mill was erected and a ditch begun, while a justice of the peace was chosen in the person of Jas Walsh, who in the preceding summer had built the saw-mill. By the following March 150 buildings were counted. *Pac. News*, Apr. 23, 1851; a church was founded, followed by a school early in 1852. A year later a journal appeared, then came brick buildings, which grew in favor after the bitter experience of Sept. 13, 1855, when 300 structures were swept away by fire, involving a loss of about $400,000. *Sac. Union*, Sept. 15, 22, 29, 1855; *Alta Cal.*, Sept. 15, 1855; July 21, 1856; *Grass Val. Union*, Sept. 13, 1873. The population then numbered 3,500. After a failure in 1855, it was in 1861 incorporated as a modest town, with five trustees and some officials. Amendments followed in 1866 and 1870. See *Cal. Statutes*, 1861, 153, 1863-4, 57 In 1862 emphasis was given to its progress by a gas company. Just then the mining excitements in the adjoining territory of Nevada cast a spell here as in many another place, but this lifted in 1864, after which the town steadily increased in prosperity until it surpassed all others in the county. Further details in *Bean's Directory of Nev.*, 185 et seq.; *Grass Val. Directory*, 1861, etc.; *Nevada Co. Hist.*, 63 et seq ; *Miscel. Hist. Pap.*, pt xxxiv; *Grass Val. National*, March 28, 1868, and other numbers; *S. F. Bulletin*, Apr. 25, 1868; Dec. 1, 1855, etc.; *N. Y. Times*, Nov. 10, 1868; *S. F. Herald*, Aug. 21, 1852; frequent notices in *Alta Cal*, and *Sac. Union.*

In Benicia is presented a town which rose as a rival to S. F. prior to the gold discovery, on the strength of its superior advantages in possessing a fine harbor at the head of ocean navigation, and nearer to the gold-fields, a beautiful and salubrious site, and a position central and of easy access to tributary rivers and valleys. Encouraged subsequently by becoming the military and naval headquarters, and the depôt of the Pacific Mail Steamship Company, the population rose by 1850 to 1,000, the place obtaining the dignity of city and county seat. Aspirations as a metropolis were crushed in 1849, when the inflowing fleets cast anchor and discharged their passengers and merchandise at the city near the Gate; but in 1853 bright visions rose anew, when the legislature, then in session there, formally declared it the seat of

government. These hopes were dashed in the following spring by the removal of that body to Sac.; a blow followed by several others, until the declining community had to renounce even the title of city as too burdensome.

The founding and progress of Benicia up to the gold excitement in 1848 are fully related in my preceding vol., *Hist. Cal.*, v. 670–4. The place then boasted nearly a score of buildings, with 200 lots sold, and a special alcalde, S. Cooper. The gold fever carried away the population, but restored it richly laden, with hopes in the future revived by the action of Com. Jones, who early in 1849 sounded the harbor and brought up his fleet, led by the *Southampton*, after which the western bay adjoining was named. Soon afterward Gen. Smith selected a site on the Suisun side for barracks, arsenal, and quartermaster's stores, and Benicia was recognized as the military and naval headquarters, as Taylor, *Eldorado*, i. 216, observes. *Sherman's Mem.*, i. 68; *Larkin's Doc.*, MS., vii. 39 et seq. The P. M. S. Co. established its shops and depôt here in 1850, with wharf improvements, and a growing beneficent outlay for labor and supplies. During the preceding year, several early river steamboats were put together and launched here; the regular steam traffic between Sac. and S. F. made this a halting-place; the old ferry across the strait was speedily provided with steam power; and in 1850–1 some three score of vessels, mostly lumber-laden and deserted, gave a busy aspect to the anchorage. All these promising features tended to bring in settlers, until the population in 1850 had risen to 1,000, including the garrison, and 50-vara lots were selling at from $500 to $2,000, says Buffum, *Six Mo.*, 149–50. The *Placer Times*, Feb. 1850, allows only 40 houses and 230 souls; but the *S. F. Picayune*, Nov. 30, 1850, concedes over 100 houses, with a presbyterian church, founded in Apr. 1849, a masonic hall, used partly for court-house, a large hospital, an effective windmill for supplying water. *Tustin's Rec.*, MS., written for me by one of the first settlers. During the year $40,000 was expended for public works, yet leaving a debt of only $13,000. *Sac. Transcript*, Feb. 14, 1851. This expenditure was greatly promoted by the new dignity of Benicia as an incorporated city, by act of March 27th, *Cal. Statutes*, 1850, 119, and as county seat for Solano. The first mayor, Jos. Kearney, was assisted by a council of six without pay; property taxes not to exceed one per cent. Amendments in *Id.*, 1851, 348, and later; *Hittell's Codes*, ii. 1670. The *Benicia Gazette* appeared in 1851, and a state-house rose in 1852, together with a young ladies' seminary. *Vallejo, Doc.*, MS., xiii. 299. Such were the modest yet not insignificant results of the efforts which a few years before sought to wrest the metropolis rank from S. F. Benicia's failure was due greatly to the worse than lukewarm attitude of Larkin, one of the founders, and Gwin's opposition in congress, which prevented Benicia from becoming a port of entry. The *Sac. Transcript*, Sept. 30, 1830, sneers at the pretension. The legislature, by act of May 18, 1853, declared it the seat of government. *Cal. Statutes*, 1853, 320. For grants and steps in connection therewith, see *Cal. Jour. Sen.*, 1853, 630, 655–6, Apr. 27; *Alta Cal.*, Feb. 2, 5, 10, 1853, etc.; *Cal. Comp. Laws*, 1850–3, 930. But the high hopes were quickly dashed to the ground, for on the following March 1st the legislature suddenly flitted to Sac. This blow was followed by others. A railroad project, the Marysville and Benicia of 1853, failed. Five years later the county seat was transferred to Fairfield,

and later the P. M. Co. transferred its shops to S. F. In 1859 the charter was repealed as too expensive, and the government was vested in a board of trustees, with the task to pay off the debt of $100,000, which was slowly accomplished with real estate, at a tenth of the price once ruling. It became later quite an educational centre, especially for female colleges. *Fernandez, Cal.*, 187; *Alta Cal.*, May 14, June 11, 1855; June 3, July 29, 1856; July 15, 1871; *Solano Co. Hist.*, 146 et seq.; *S. F. Bulletin*, Nov. 9, Dec. 3, 17. 1855; June 9, 1877; July 16, 1880; *Woods' Pioneer*, 34-6; *Pict. Union*, Jan. 1855, with view; *Cal. Jour. Sen.*, 1853, 630; *Bartlett's Nar.*, ii. 12; *Capron's Cal.*, 94; *Ukiah Democ.*, Jan. 5, 1878; *Solano Co. Atlas*, 11; *Vallejo Chron.*, Dec. 27, 1877, etc.; *Willey's Pers. Mem.*, 97; *Benicia Tribune*, March 21, 1874; *Id.*, *New Era*, Dec. 6, 1879, etc. The census of 1880 gives a population of 1,794.

One cause for Benicia's decline lay in the proximity of Vallejo, a town founded in 1850 for a state capital. This project failed, but the establishment four years later, on Mare Island, of a navy-yard by the federal government, gave fresh impulse to the place. While possessing advantages similar to those of Benicia, it possessed a still better harbor, deeper and with close access to the shore, and commanded, moreover, the river outlet of the fertile Napa Valley, and later it aspired to become the railroad centre for at least the northern side of the bay.

Vallejo's sympathy for Benicia cooled; and in the state senate in 1850 he was open to plans for increasing the value of his property here. The selection of a site for a permanent seat of government engaged the attention of speculators, and he resolved to strive for the prize by proposing to found the town of Eureka at the mouth of Napa Creek, and offering the legislature therein 156 acres for public building sites, and $370,000, within two years, for buildings, $125,000 being for a capitol. Memorial of Apr. 3, 1850, in *Cal. Jour. Legis.*, 1850, 498-502. This bid, eclipsing all others, was accepted by act of Feb. 4, 1851. *Cal. Statutes*, 1851, 430; report of committee, *Cal. Jour. House*, 1851, 1423. Previous to this the name of Vallejo had been substituted for Eureka. *Cal. Pioneers*, pt. iii. 12. Pending the acceptance, Surveyor Whiting had laid out the town, and its prospects induced several settlers to build. More than one hotel rose, and Major Hook was chosen justice of the peace. *Sac. Transcript*, Feb. 14, March 14, 1851, exaggerates, saying that some threescore houses were projected, and dozens of men daily on the way thither. Advertisements in *Pac. News*, Aug. 22, 1850; *Cal. Courier*, July 31, 1850. *S. F. Picayune*, Dec. 28, 1850, commends the place, although 'no town exists there.' The fact was that owing to the lukewarmness of Vallejo's associates, his own lack of business tact, and the machinations of his opponents, the place had not caught the public fancy; and when the legislature opened the third session here on Jan. 5, 1852, it presented a most primitive and forlorn condition. The $125,000 capitol so far was a rather insignificant two-story building, with a drinking-saloon and skittle-alley in the basement—the third house, as it was ironically called. *Placer Times*, Jan. 15, 1882. Disappointed, the legistators hastened away the following week to the more comfortable and attractive Sac. Driven hence by a flood in March, the consideration was brought home to them that Vallejo still remained by popular vote the capital, until the founder failed to comply with his bond. Report

of the committee in *Cal. Jour. Ass.*, 1852, 500–2; *Cal. Statutes*, 1852, 128. The archives and state officials having accordingly been ordered back, the legislature again opened its session at Vallejo on Jan. 3, 1853. The place had not improved meanwhile, and the prospects appearing hopeless, Vallejo petitioned for release from his bond, pleading that the former removal of the government had contributed to defeat his plans for fulfilling it. *Id.*, 1853, 345; *Cal. Jour. Sen.*, 1852, 788, 563; *Id.*, 1853, 661, etc. This was agreed to, and the following month saw the legislature once more on the wing, to alight a while at Benicia, whither it was followed by a large proportion of the settlers, including stores, leaving the rest stranded. Vallejo then sold the site for $30,000 to Lt-gov. Purdy and others, but owing to their failure with payments it was reconveyed to Vallejo's associates. The town had still aspirations, as the natural port for the fertile valley of Napa, and as a site for the U. S. navy-yard and naval depôt. The latter project was entertained in 1849, *Sherman's Mem.*, i. 68, and in 1852 decided upon. Mare Island, lying in front of Vallejo, and so named after a mare which there swam ashore from a wrecked ferry, it is said, was accordingly purchased for the government in 1853 for $83,000; the price in 1850 being $7,000. Possession was taken in 1854. Two years later found a floating dock and a basin in operation, with numerous shops and magazines, which, together with the later stone dock, costing over a million dollars, gave employment to a large force of men, all depending on Vallejo. The town accordingly began to prosper; wharves were built to accommodate the growing traffic, a newspaper appeared in 1855, and in 1856 the survey was extended to one league; yet the place prudently denied itself the expensive dignity of city until 1866–7, when the inhabitants numbered some 3,000. *Cal. Statutes*, 1865–6, 147, 431; 1867–8, 618; 1871–2, 566, 757, 1048; see *Solano Advert.*, Dec. 1868–May 1869; *Vallejo Chron.*, March –June 1871; and the special pamphlets, *Resources of Vallejo* and *Prospects of Vallejo*, 1871; also *Solano Co. Hist.*, 88, 184, et seq.; *Willey's Pers. Mem.*, 96 –7; *Hittell's Res.*, 411; *Cal. Pioneers*, MS., pt. iii.; *Alta Cal.*, Jan. 4, 1853, etc.; *Hittell's Code*, ii. 1603; *Solano, Future of Vallejo.*

Martinez, opposite Benicia on the river, is a historic town of growing prosperity.

The beautiful plains and slopes of the contra costa had not failed to strike favorably the many projectors of metropolitan cities, but the extreme shallowness of the water interposed a decisive objection. When the prospects of S. F. stood assured, however, the advantages of this tract for suburban sites at once became apparent, and in 1850–3 the greater portion of the Peralta grant, from Point Isabel to San Leandro Bay, was bought by different speculators, yet not until the most desirable section of Oakland had been occupied by squatters, who were mainly instrumental in giving a start to the place and procuring town and city charters. With the location here, in the latter part of the sixties, of the overland railroad terminus, which brought superior ferry facilities, a great impulse was given, followed by the acquisition of the county seat, and all the conveniences to be expected of a city ranking next in population to S. F., although of subordinate importance. The rush of squatters, which in 1850 set in for Oakland, was headed by the lawyers A. J. Moon and

Horace W. Carpentier, and E. Adams. Heedless of the remonstrances of the Peralta family, to which the grant belonged, they seized even upon the cattle and timber. Finally, when pressed by the sheriff, Moon arranged for a lease, and on the strength of it was laid out the town of Oakland, so named from the trees growing there. Meanwhile Carpentier used his official position to manœuvre the passage of an act of incorporation May 1852, *Cal. Jour. Ass.*, 1852, 846, *Id.*, *Statutes*, 303, little suspected by the other squatters, and then to gain from his associates a concession of the water-front, on condition of erecting a school-house and three wharves. This deed was subsequently hotly contested, especially when the question came up for means wherewith to gain railroad termini and other progressive adjuncts. In 1867–8 a compromise was effected, under which concessions were made to the city, in the San Antonio water channel, with a frontage between Franklin and Webster sts, and grants to the Western Pacific R. R. Co. of 500 acres, a share going to the S. F. and Oakland R. R. Co., both later merged in the Central Pacific. The rest of the land, aside from two reservations by Carpentier and Merritt, was conveyed to the Oakland Water Front Co., half of whose 50,000 shares of stock belonged to Carpentier, with E. Adams as partner, 20,000 shares to Stanford, and 5,000 to Felton. The title of Peralta in the city lands had been settled by the sale in March 1852 of the squatted part for $10,000 to Clar and others; the Temescal tract was sold in Aug. 1853 for $100,000, with certain reservations to Hammond and others, J. D. Peralta selling another tract on the north for $82,000. The squatter cloud, nevertheless, hung over the city until 1869, when a compromise was effected permitting outstanding claims to be bought at nominal rates. Notwithstanding this drawback great progress was made. *Alta Cal.*, 1852; *Oakland Tribune*, Oct. 9, 1875; *Petaluma Crescent*, Nov. 18, 1871; *Sta Rosa Democ.*, March 13, 1869; *Sac. Union*, Oct. 30, 1856. In early times large numbers of wild cattle roamed here, which led to the establishment of tanneries and regular slaughter-yards for the S. F. market. *Matthewson's Stat.*, MS., 3. An occasional steamboat service was soon replaced by a ferry, the *Hector*, followed by the *E. Corning*, of the Contra Costa Ferry Co. *Alameda Gaz.*, May 31, 1873; *Herrick's Stat.*, MS., 3–4. The first public school was organized in 1853, at the corner of Market and Seventh sts, about the same time that H. Durant opened the Oakland College School, preparatory to the College of Cal., which was incorporated in 1855 and organized in 1860, to merge before the end of the decade into the University of Cal. *Brayton's Report*, in *Cal. Jour. Sen.*, 1865–6, ap. viii. 395–402. Regular religious services are claimed to have been begun by S. B. Bell, presbyterian, in March 1853, at the corner of Fourth and Clay sts, yet preachers had visited the place previously. The first church was erected in the same year by catholics, favored by the large Mexican element. *Oakland Transcript*, Jan. 1, 1877. The baptists followed in Dec. 1854, under E. G. Willis. A Sunday-school had been started in Apr. 1853 by the presbyterians. *O. Journal*, Oct. 13, 1867. In March 1854 the belief in prospective greatness was proclaimed by the incorporation of the place as a city. *Cal. Statutes*, 1854, 46, 52. Carpentier managed to get himself elected the first mayor. The reported votes numbered 368, which seems excessive for the place at that time, as the census of 1860 allows only 1,543 inhabitants. His message, reproduced

in *O. Transcript*, Jan. 23, 1876, refers to efforts for planting here the state capitol. The *Alameda Express* was by this time issued, and in the autumn of 1854 followed the *Contra Costa*, the issue of Jan. 5, 1855, being no. 17. *Oakland Herald* began as a weekly Jan. 4, 1855. In 1867 came gas and water works. *C. Costa Water Co. Rules*, 1–12; *Oakland and Alameda Water Co.*, 1–8. With the settlement of land titles and the location of the terminus, during the following two years, foreshadowed already in the mayor's message of 1854, a decided impetus was given to the place, with a more direct ferry connection soon after, over the west front, with bridge and solid bank, instead of following the creek route. By 1870 the population had risen to 10,500, strong enough to begin the struggle in earnest for the county seat, which was won in 1874. The assessed value of property, rated in 1866–7 at $1,434,000, stood a decade later at $24,000,000, and by 1880 the census showed more than 34,500 inhabitants, including Brooklyn, with all the appurtenances of a well-regulated city, and with certain harbor advantages, procured by deepening the outlet of San Antonio Creek through the mud flats, and protecting it with rubble walls. Additional details in *Terminus of R. R. System*, 7–46; *Oakland Directories*, passim; *Hist. Alameda*, 1876, 443–57; *Id.*, *Atlas*, 15–22; *Or. Sketches*, MS., 3, etc.; *Cal. Jour. Sen.*, 1871–2, 353, etc.; *Quigley's Irish Race*, 484–9; *Oakland Review*, Dec. 1873, 9–16, etc.; *Hayes' Ang.*, i. 456; *S. J. Pioneer*, Aug. 4, 1877, and frequent scattered accounts and items in daily journals, as *Alta Cal.*, Dec. 19, 1854; Feb. 1, 1855; Aug. 9, 1863, etc.; *Sac. Union*, Sept. 17, 1855, etc.; *Oakl. News*, Feb. 4, 1874, etc.; *S. F. Chron.*, Nov. 22, 1879; *Oakl. Tribune*, Oct. 9, 1875; *Oakl. Transcript*, Jan. 2, 1871; Jan. 13, 1877.

The adjoining trio of towns were properly extensions of one settlement, and Brooklyn, as lying in the rear, sought in time annexation to the leading city, notwithstanding the promising features of a more rolling surface and its esteemed hotels. Alameda gained an additional advantage as a bathing resort, and with the aid of an extra railroad and ferry accommodation is advancing rapidly as a rival of Oakland. Berkeley possesses a yet finer position in some respects, and a large number of homestead builders gathered round the nucleus formed early in the seventies by the transfer hither of the state university, and by the establishment of factories in the western section, on the bay shore.

Brooklyn, which in 1872 was annexed to Oakland, as its east suburb, was a landing in 1849 for lumber cutters in the redwoods five miles inward. The dwelling of the Peralta brothers stood near by, and a Frenchman kept a dairy about Clinton point for a time. Early in 1850 the brothers Patten secured a lease of the site for farming, covering at first 150 acres, and extended shortly after to about treble that number. In 1852 C. B. Strode of the law firm of Jones, Tompkins, and Strode, bought from Peralta the section between Lake Merritt and Sauzal Creek, some 6,000 acres, extending to the hills, and gave the Pattens a share, M. Chase, who had been hunting on the site, joining them to lay out the town of Clinton, round the Patten cabin up Third av. and Ninth st. Washington plaza received a flag-pole in significance of its new importance, and Washington, later East Twelfth st, was graded to the ravine at Commerce st and planted with cottonwood trees. In 1853 D. S. Lacy

opened a store at East Twelfth st and Twelfth av., and the following year the town associates erected a $60,000 hotel, which was destroyed by fire within a few weeks. Meanwhile, in 1851, J. B. Larue had squatted across the ravine and started a store at the San Antonio landing, where he subsequently constructed his wharf, and a settlement gradually rose, which was known as San Antonio, after the channel and rancho. Early house-builders are named in *Hist. Alameda*, 1876, 462–3. In 1856 the two places were consolidated and called Brooklyn, at the instance of Eagar, who had arrived with many pioneers in the ship of that name, and thought that the appellation corresponded well to the spot in its relation to the Pacific metropolis, which was similar to that of the Atlantic Brooklyn. In 1860 the population of the district was placed at 1,341; incorporation was put on in 1870, including the cluster of houses north-eastward, known as Lynn, from the shoe factory established there three years before. *Cal. Statutes*, 1869–70, 680–93. Settlement had been favored for several years by the land troubles of Oakland, with which it shared in the picnic excursions from S. F. since Larney's steam ferry began its trips in 1858. Hopes were also raised by the temporary location here of the county seat during the four years' struggle for it, but the more conveniently situated Oakland was advancing with such strides lately as to leave Brooklyn behind, and its people voted in 1872 for annexation. Its vote in 1876 barely exceeded 650. *Brooklyn Journal*, Sept. 9, 1871, etc.; *Hist. Alam.*, 1876, 461–7; *Id.*, *Atlas*, 22–3.

Alameda may be regarded as a sister town of Brooklyn in their relation to Oakland, although it gained several advantages. It was known as Bolsa de Encinal, or Encinal de San Antonio, and belonged to A. M. Peralta. It was held under lease by Depachier and Lemarte early in 1850, when the interest taken in Oakland called attention to this adjoining tract. W. W. Chipman and G. Auginbaugh, who had subleased the section fronting on S. Leandro Bay, then stepped forward and bought the peninsula for $14,000, selling half to Minturn, Foley, Hays, Caperton, McMurty, and H. S. Fitch. The latter had lately, after a failure to buy Oakland, made a semi-contract for Alameda, only to be forestalled. As auctioneer, he sold the first lots of the tract laid out in old Alameda under his supervision. The first settlements were made near High st, and ferry-boats began running to Old Alameda Point, the first regular boats being the *Bonita* and the *Ranger*. Incorporation was effected in April 1854, when the peninsula contained little more than 100 inhabitants, and it was expected that the name borrowed from the county would influence settlers. *Cal. Statutes*, 1854, 76; *Id.*, *Jour. Ass.*, 650; *Alta Cal.*, Dec. 30, 1854; *Sac. Union*, Nov. 8, 1854; *Alam. Encinal*, Sept. 8, 1877. Soon after Encinal was laid out in the centre of the peninsula, and Woodstock at the point; yet progress was slow, with few industries. A tannery was established in 1852. *Matthewson's Stat.*, MS., 3. A. A. Cohen bought lots in 1858 and began to foster the place, establishing a superior ferry, which yielded in 1874 to a railroad via Oakland, across San Antonio channel, supplemented soon after by a special ferry and railroad. A wagon road was made over the tongue of land to Brooklyn in 1854, and ferries had run from Hebbard's wharf in the channel, and from West End, after 1856. In 1872 the entire peninsula was united under a town charter. *Cal. Statutes*, 1871–2, 276–81; 1877–8, 89,

etc.; *Hist. Alameda*, 1876, 469–74; *Id.*, *Atlas*, 23–4; *Oakland and Alameda Water Co. Prospectus*, 1–8. The advance of the town was from 1,560 inhabitants in 1870 to 5,700 in 1880. The *Alameda Post* appeared in 1869, the first newspaper, and was replaced in Nov. 1869 by the *Alameda Encinal*.

Domingo Peralta was interested in that part of his father's tract lying beyond the village of Temescal, the term for Indian baths. He sold it in 1853 to Hall McAllister, R. P. Hammond, L. Herrmann, and J. K. Irving. The conditions were somewhat ambiguous. and not until more than a score of years later was the cloud lifted from the title. It remained a slighted farming region until the choice of a salubrious and attractive site for the state university fell in 1868 upon the spot, which was aptly dedicated to the name of the prelate philosopher. The construction of buildings and laying out the 200 acres of ground, as well as work on the adjoining Deaf, Dumb, and Blind Asylum, with its 60 acres, begun in 1868, brought settlers for a town; yet previous to 1874 not a dozen houses were within half a mile of the grounds. Among the first occupants were Shattack, Hillegas, and G. M. Blake. With the opening of the university in the summer of 1873, *Univ. Cal.*, Report 1872–3, the influx of residents increased, and by 1877 the *Berkeley Advocate*, Oct. 13, 1877, Dec. 11, 1879, etc., claimed nearly 2,000 inhabitants, with over 200 houses round the university in 1879. In April 1878 the town was incorporated, including the settlement on the bay, a mile and a half away, known as West Berkeley, or Ocean View and Delaware-st station, which had sprung up under railroad influence as a manufacturing site, embracing the California Watch factory, the Standard Soap Co., etc. A ferry ran to this point until increased railroad facilities with both sections absorbed the passengers. The Deaf Asylum, burned in 1875, was rebuilt in 1877–8. Scattered references in the daily S. F., Oakland, and Berkeley journals.

The mania for city building extended from the great bay and its tributaries throughout the state, in the north guided by the rise of mining districts and the gradual expansion of lumber and farming, for which places like Red Bluff, Chico, Yreka, and Petaluma sought to become centres, while parts like Crescent City and Eureka aimed to supply a range beyond the county limits. In the south, likewise, several old pueblos roused themselves early from their colonial lethargy to assume civic honors under Anglo-Saxon energy, and to open their ports or establish new landings for the prospective world traffic, but the delay of the agricultural era, upon which they depended, caused a relapse. Railroad enterprise marks the revival under which towns like Modesto, Merced, Visalia, Bakersfield, Hollister, and Salinas sprang into prominence, often at the expense of older places, although several of these not only shared in the advance, but maintained the local supremacy due to a judicious selection of site, as San José, San Luis Obispo, Santa Bárbara, and San Buenaventura. Among the most pretentious of southern towns is Los Angeles, whose history has been fully detailed in previous volumes. San Diego, the oldest of California settlements, languished till the close of the sixties, when transcontinental railroad projects gave it life and hope, based on the possession of an important terminus, and of the only other fine harbor besides that of San Francisco on the coast, and with a constantly growing reputation as a health and pleasure resort.

The eagerness to found commercial centres in 1849–50 roused the ambition

of Old San Diego, and led it to assume the dignity of an incorporated city in 1850. *Cal. Statutes*, 1850, 121. To this it was stimulated by rival projects, which in course of time dotted the entire bay shore with prospective towns. Foreseeing the need for a shore settlement, the alcalde had in Sept. 1849 begun to sell lots at La Playa, and here a certain trade sprang up. *Hayes' Misc.*, 44. Federal officers interfered, claiming the place for military purposes. Report in *S. Diego, Rept Land*, 1–5. Speculators accordingly turned their attention to the south of the pueblo, and obtaining a grant of land in March 1850, on condition of building a wharf, they laid out New San Diego. W. Davis lent his fostering aid in 1851, and three government buildings and a few dwellings rose behind the wharf. Even a journal appeared for a time, the *Herald*, of Judge Ames; but southern California fell into neglect and the town stood still, unable to count in 1867 more than a dozen inhabitants. Then appeared A. E. Horton, who purchased for $6,700 about five quarter-sections of the present main site of the new city, on the bay shore, *Savage's Coll.*, MS., iv. 285, laid out the addition named after him, built a wharf to deep water, and on the refusal of the coast steamer to call, he in 1869 placed the *W. Taber* on the route to S. F., in opposition, at low rates. Four miles below on the bay National City was laid out by the Kimball brothers, and competition ran high. Settlers began to come in, lots sold rapidly, and buildings went up in all directions, the proprietors applying their gains to building and other improvements. In 1870 San Diego claimed a population of 2,300, with over 900 houses. The catholics had a church since 1858, tended by Padre J. Moliner. In 1868 the episcopalians organized under S. Wilbur, and in 1869 methodists, baptists with the first temple, and presbyterians followed the example. In 1870 the new city procured a decree transferring the archives from the old town, which was effected in 1871, after a struggle, and the old pueblo, which had so long reigned in mediocre triumph over its rival, fell into decay. The records of its doings since 1848 are given in *San Diego Arch.; Hayes' San Diego; Id., Misc.*, 44 et seq. Its charter was repealed in 1852, and 20 years later the new city assumed incorporation garbs. *Cal. Statutes*, 1852, 305; 1871–2, 286–95; 1875–6, 806. The Masonic order, dating here since 1853, moved over in 1871, preceded three years on the new site by the Odd Fellows. In 1873 the place was made a port of entry, and the Panamá steamers cheered it with their calls. Prof. Davidson assigned 22 feet to the bar at the mean of the lowest low water. Two journals flourished. The delay of the promised railroad, upon which all hopes rested, interposed a check on progress, but its completion gave fresh impulse to the city, upon which the claims of National City as the real terminus had little effect. In 1882 almost 100 vessels entered from domestic ports and 99 from foreign ports, paying $263,160 in duties on imports. A chamber of commerce was organized in 1870; water and gas were introduced; and between 1878 and 1888 real property advanced in price in some instances from ten to twenty fold. Details of progress in *Bancroft's Pers. Observ.*, MS., 9, etc.; *Rusling's Across*, 326–8; *Hayes' San Diego*, i.–iv., passim; *San Diego, Arch. H.*, passim; *Id., Index; Savage's Coll.*, MS., 233 et seq.; *South Transcont. R. R.*, Mem.; *San Diego News, Id., Union*, scattered articles, notably June 26, 1873; July 20, 1876; Feb. 22, 1877; Oct. 17, 1878; also S. F. journals; *San Diego City Inform.*, 1–50; *Hist. San Bern. Co.*, 184–8; *Cal. Agric. Soc., Trans.*, 1878, 272; 1874, 381, etc.; *San Diego Com. Lands*, 1–5.

CHAPTER XIX.

CALIFORNIA IN COUNTIES.

1848-1888.

Affairs under the Hispano-Californians—Coming of the Anglo-Americans—El Dorado, Placer, Sacramento, Yuba, and Other Counties North and South—Their Origin, Industries, Wealth, and Progress.

In Mexican times settlements were almost wholly restricted to the coast valleys south of San Francisco Bay, with a predilection for the orange-perfumed regions of Santa Bárbara, Los Angeles, and San Diego. The Russians had obtained a footing on the coast above Marin, as a branch station for their Alaska fur trading; and the attempt roused the California authorities to place an advance guard in the vicinity, first at San Rafael and its branch mission of Solano, and subsequently at the military post of Sonoma, to affirm their possessory rights. In the forties Anglo-Saxon immigrants, adding their number to the Mexican occupants, extended settlement into the valleys north of the bay. With the conquest population began to gravitate round this sheet of water, as the centre for trade, a sprinkling penetrating into San Joaquin Valley and up the Sacramento. The effect of Marshall's discovery was to draw the male inhabitants from the coast to the gold region. Many remained in the great California Valley and became traders and town-builders; some continued to roam along the Sierra slope as gold-diggers.

The American South Fork, as nearest the point of distribution, at Sacramento, and carrying with it the prestige of the gold discovery, long attracted the widest current of migration. A just tribute to fame was awarded to the saw-mill site at Coloma, the first spot occupied in the county, in 1847, by making it a main station for travel and the county seat for El Dorado, and so remaining until 1857, after which, the mines failing, it declined into a small yet neat horticultural town. The saw-mill, transferred to other hands by Marshall and Sutter, supplied in 1849 the demand for lumber. The first ferry on the fork was conducted here by J. T. Little, a flourishing trader. *Little's Stat.*, MS., 3. And E. T. Rann constructed here the first bridge in the county early in 1850, for $20,000, yielding a return of $250 a day. *Pac. News*, May 29, 1850. Population 2,000 in Oct. 1850. *S. F. Picayune*, Oct. 21, 1850; *Barstow's Stat.*, MS., 1-4; *Sherman's Mem.*, i. 64; *Placer Times*, July 28, 1849; Apr. 29, 1850; *Sac. Transcript*, Feb., March 14, 1851. View in *Pict. Union*, Jan. 1, Apr. 1854; *S. F. Bulletin*, Sept. 9, 1857; *Sac. Union*, Oct. 20, 1856; *Placerville Rep.*, Feb. 28, 1878. Incorporation act in *Cal. Statutes*, 1858, 207. Marshall, the gold-finder, gained recognition a while in the adjacent petty Uniontown, first called after him. The early drift of miners tended along Webber Creek toward Placerville, which became the most prominent of El Dorado's towns, its final county seat and centre of traffic. Southward rose Diamond Springs, which strove for the county seat in 1854. It was almost destroyed by fire in Aug. 1856. Loss $500,000, says *Alta Cal.*, Aug. 7, 1856. Lately founded, observes *Sac. Transcript*, Nov. 29, 1850. Camps, etc., in chapter on mines. Mud Springs, later El Dorado, was incorporated in 1855, *Cal. Statues*, 1855, 116; 1857, 7; with great flourish, and disincorporated in 1857. Several small towns rose on the divide southward. Above the South Fork sprang up notably Pilot Hill, or Centreville, which claimed the first grange in the state. Then there were Greenwood and Georgetown, both of which aspired at one time to become the county seat. The former was named after the famed mountaineer, though first known as Long Valley, Lewisville, etc. Georgetown, begun by Geo. Ehrenhaft, *Ballou's Adven.*, MS., 22, had in Dec. 1849 a tributary population of 5,000. *Alta Cal.*, Dec. 15, 1849; *Cal. Courier*, July 12, 1850. It was nearly destroyed by fire in 1856. *S. F. Bulletin*, July 7, 10, 1856. Latrobe rose on the Placerville R. R. route.

In 1857 an effort was made in vain to form Eureka county from the northern half of El Dorado. Nearly every surviving town in the county owes its beginning to mining, although so large a proportion now depends solely on agriculture and trade. Many had early recourse to these branches for supplying a profitable demand, potatoes being scarce and high. With the decline of mining, however, involving the death of so many camps, the vitality of the larger places declined, and by 1880 less than 11,000 remained of a population which during the fifties exceeded 20,000. But farming, and notably horticulture, stepped in to turn the current into a channel of slow though steady revival, still assisted to some extent by quartz and hydraulic mining. The census of 1880 assigned to the county 542 farms, but an improved acreage of only 69,000, valued at $1,181,000, with $482,000 worth of produce, and $297,000 of live-stock, the total assessment being $2,312,000. Farming

had its beginning here in 1849–50, when potatoes were first planted by the Hodges brothers, on Greenwood Creek, near Coloma. Grain and general farming engaged the attention, in 1851, of many about in Garden and Greenwood valleys, and around Centreville. By 1855 about 8,000 acres lay enclosed, nearly half being under cultivation; there were 3,000 fruit-trees, and as many vines, 3,000 head of cattle, half as many swine, and some 1,300 horses and mules. Forty saw and one flour mill had been erected, and 5 tanneries, 3 breweries, 15 toll-bridges, all attended by numerous teams for traffic. Scott had a shingle machine in 1847 at Shingle Springs. Several stage lines were running since 1849.

The adjoining county of Placer, created in 1851, chiefly out of Yuba, had a section of purely agricultural land, which was occupied shortly before the conquest by settlers who raised wheat and planted fruit before the gold excitement came to interrupt them. For list of early settlers in this and other parts of central and northern California, I refer to the opening chapter of this volume, and to the preceding volumes, for general progress of settlement before 1848. It is said that a crop of wheat was put in on Bear River by Johnson and Sicard in 1845, and that Chanon helped Sicard to plant fruit-trees the following season. Peaches, almonds, and vines from San José followed in 1848, and later oranges. The peaches brought high prices at the gold-fields. Mendenhall planted Oregon fruit at Illinoistown in 1850. *Hist. Placer Co.*, 239–40. After 1849 several imitators appeared, and in 1852, 679 acres were under cultivation, yielding $20,000 in produce, chiefly barley; there were 3,500 head of stock; one third consisted of hogs. Yet only a small fraction of the population, 10,784 persons, was then engaged in farming, and of $2,000,000 invested capital over two thirds was in mining and one seventh in trade. Of the population, 6,602 were white males, 343 females, 3,019 Chinese, 730 Indians, the rest foreigners. See *Cal. Census*, 1852, 30–1.

By 1855 there were 143 improved ranchos, after which a rapid increase set in. Good markets were found among the numerous mining camps along the American forks and intervening divides, among which Auburn rose to the county seat and sustained itself as leading town. It occupied a beautiful spot, and later it became a health resort. Mines were opened there in 1848, and it was one of the best sustained of the placers. Population, Oct. 1850, 1,500. *S. F. Picayune*, Oct. 21, 1850. Was county seat of Sutter before 1851. Suffered severely from fire in 1855, *Sac. Union*, June 6, 9, Aug. 4–6, 1855, and in 1859 and 1863. *Placer Co. Direc.*, 1861, 7. Incorporated in 1860, and disincorporated 7 years later. *Cal. Statutes*, 1860, 427; 1867–8, 555. Near by Copeland established one of the earliest ranchos. Dutch Flat was the trading centre of 1849, and in 1860 it polled the largest vote in the county, over 500. Incorporated in 1863, disincorporated three years later. *Id.*, 1863, 255; 1865–6, 10; *Dutch Flat Forum*, March 8, 29, 1877. Forest Hill and Iowa Hill long held the lead in the eastern section. They sprang up like magic after the gold development of 1853, *Id.*, 43, and overshadowed Elizabethtown and Wisconsin Hill, as Forest Hill did Sarahsville or Bath, assisted by its cement deposits. Illinoistown, first called Alder Grove or Upper Corral, and Yankee Jim's were prominent in early days, owing to their rich diggings. The latter was named after Jim Goodland, says *Ballou's Advent.*, MS., 22, though the

Placer Directory, 1861, 12–13, gives the honor to the Sydneyite Jim Robinson, who was hanged for horse-stealing in 1852. The place suffered severely from fire in 1852, *Alta Cal.*, June 16, 1852, yet quickly rivalled again in size any town in the county. Gilbert brothers were among the first settlers. Ophir was sustained by horticulture and quartz. In 1852 this was the largest place in the county, the vote being 500. Gold Hill, near by, was of secondary importance. See, further, under mining; *Sac. Transcript*, 1850–1; *Placer Co. Directory*, 1861, 9, 200, et seq.; *Dutch Flat Enquirer*, Oct. 9, 1862. Michigan Bluffs and Todd Valley were long prominent. The railroad built up a number of stations between Cisco and Rocklin, notably Colfax and Lincoln, the former aided by the narrow-gauge line to Nevada, and transferred from El Dorado the transit business with Washoe, and the emigrant route so long striven for in vain by Placer. In 1852 a road was constructed to Washoe Valley, from Yankee Jim's, for $13,000, but failed to secure traffic. Placer's larger area of tillable soil saved this county from sharing in the decadence of El Dorado, and its foothills became celebrated for their salubrity of climate and viticultural advantages. The population in 1860 was 13,270, and in 1880 14,200, the gains in the west balancing the eastern losses. Its total assessment ranged then at more than $5,774,000, of which $1,885,000 covered the value of 514 farms, with $618,000 in produce and $379,000 in live-stock.

Sacramento county, which occupied the fertile bottom below these two mining counties, benefited by their demand on traffic and productions. It stood prepared for both as the site of the key to the valley, the capital, which remained throughout the great entrepôt and the most promising manufacturing place. Sutter's efforts from 1839 in planting fields and originating different industries encouraged a number of others to follow his example, and to establish ranchos, at least along the great bay tributaries. *Cal. Census*, 1852, 8, 31–2. Of manufactures Sutter had before 1848 established tanneries, flour and saw mills, the latter not completed. There was a brick-yard as early as 1847 at Sutterville, and a grist-mill on the Cosumnes. The incipient industries at Sutter's Fort and on the Cosumnes, checked by the gold discovery, took shortly after firmer roots, and in 1850 two flour-mills opened at or near Sacramento, brick-making was resumed in 1849, machine-shops started the year after, and in 1851 a number of new and rival branches followed.

On the American main river lay three notable grants; on the Cosumnes Daylor and Sheldon had half a dozen assistants and neighbors; and on Dry Creek and the Mokelumne were several more settlers, all of them ready to welcome those who after 1849 prepared to retire from mining and join in agricultural pursuits so favorably begun. The county was accordingly credited already in 1850 with over 2,000 acres of improved land, live-stock valued at $115,000, and fully as much more in produce, namely, improved acres 2,044, with implements valued at $2,250; about 800 horses and mules, 7,000 cattle, and 2,000 sheep and swine; over 10,000 bushels of wheat and barley, and $41,000 worth of garden produce besides hay. *U. S. Census*, 1850, 976–8. By 1852 the live-stock had increased to a value of $300,000, and the agricultural products to over $1,000,000; of cereals there were over 180,000 bushels,

chiefly barley. Invested capital, $8,000,000. For these products the eastern border of the county provided early outlets in a number of mining camps; several shipping points for surrounding farms rose, as Freeport, built up by the Freeport R. R. Co., which proving a failure, reduced the town from 300 or 400 inhabitants to a mere handful. Then there were Courtland, Isleton, where later rose a beet-sugar factory, and Walnut Grove, the railroad reviving others, while adding to their number, as Arcade, Florine, Elk Grove, and Galt. Brighton, the site of Sutter's mill, moved later toward the railroad; Norristown, or Hoboken, a mile southward, the old site having a clouded title, *Bauer's Stat.*, MS., 9–10, aspired after the Sac. disasters of 1852–3 to become its successor, but faded away like a dream; Folsom, founded in 1855 as the terminus of the Sac. Valley railroad, became a stage headquarters, and acquired a reputation for its granite quarries which promoted the establishment here of a branch prison. Granite was the first appropriate name entertained, but the influence prevailed of Capt. Folsom, who manipulated the Leidesdorff grant covering this point. This title had so far prevented earlier attempts, since 1852, to make available the water-power of the place. *Folsom Telegraph*, March 10, 1866; March 26, 1870, etc. This journal in itself illustrates the progress of the place. See also *Sac. Union*, Jan. 22, March 13, Apr. 4, 9, Oct. 31, 1856, etc.; *S. F. Bulletin*, Aug. 23, 1856; *Alta Cal.*, Jan. 21, 1856.

The county early demonstrated the superiority of farming over mining as a wealth-producing pursuit, for within a few years the value of its farms alone surpassed the combined total assessments of the two adjoining mining counties, as did its population in number. The census of 1880 placed the population 34,390, with 1,100 farms valued at $12,330,000, with $2,488,000 in produce, and $2,240,000 in stock; total assessment, $18,416,000. See the section about Sacramento city for other information.

The rich bars of Yuba River filled the banks so rapidly with camps that the county of this name had to be further divided in April 1851 to form Nevada, of which Nevada City became the seat, as the most central of the prominent mining towns. Grass Valley, to the south, was then only about to open the quartz veins which soon lifted it to the most populous place in the county, and Rough and Ready, which lay too far westward, was already declining. This place was founded in the autumn of 1849 by the Rough and Ready Co., so named after Gen. Taylor, and headed by Capt. A. A. Townsend. The Randolph Co. soon joined. In Jan. 1850 Missionary J. Dunleavy brought his wife and opened a saloon. In Feb. H. Q. Roberts started the first regular store. By April a populous town had risen, which by Oct. polled nearly 1,000 votes, and claimed the leading place in the county. It had 3 or 4 compactly built streets, and about 4,000 or 6,000 tributary inhabitants, say the *Sac. Transcript*, Oct. 14, 1850, *Cal. Courier*, Dec. 25, 1850, and *S. F. Picayune*, Oct. 21, 1850. A vigilance committee was formed to govern the town, insure its safety, and promote the location here of the county seat. The drought of the winter 1850–1 proved a serious blow, and the town was almost deserted, but ditches being introduced, a decided revival took place. A fire of June 1853 destroyed twoscore buildings, valued at $60,000, *Alta Cal.*, June

30, 1853, and another in 1859 reduced it to a petty hamlet. *Grass Valley Directory*, 1856, 44–5; *Nevada Co. Hist.*, 89–91; *Id., Directory*, 1867, 359–61. Nevada and Grass Valley are described elsewhere, and camps are noted under mining.

Little Fork rose to prominence in 1852 on the strength of a rich gravel deposit, which long sustained it. It was mined in 1849, founded in 1850, had over 600 inhabitants in Sept. 1852. *Id.*, 367–8; *Nev. Gaz.*, Dec. 18, 1869. Burned in 1878. North Bloomfield throve on similar resources in 1855 and revived in 1867. This place was opened in 1851 as Humbug City, after the creek, had 400 inhabitants in 1856, declined a while after 1867, had 1,200 inhabitants in 1880, together with Malakoff. The flourishing Indian Camp of 1850 remains now as Washington. You Bet sprang up in 1857, and absorbed several surrounding camps, such as Red Dog and Walloupa. Its name was due to the frequent and emphatic 'you bet' expression of a pioneer resident. *Woods' Pioneer*, 97. North San Juan proved the stanchest town in the north-west section, with a tributary population of nearly 1,000 in 1880. Near by lay Birchville, Cherokee—with 400 inhabitants for a long period—French Corral, and Sweetland, which have fairly sustained themselves, with 300 or 400 inhabitants. At the northern border is Moore Flat, with a population of 500 in 1880. Orleans Flat, originally Concord, surpassed it till 1857. Eureka South revived in 1866 with quartz developments. In the east is Truckee, founded in 1863–4 as a railroad station, becoming a flourishing centre for lumber and ice, later aspiring to the dignity of seat for a new county. Truckee River was named after an Indian with a corrupt French appellation. *S. J. Pioneer*, Oct. 5, 1878; *Reno Star Journal*, May 1875; *S. Raf. Herald*, May 20, 1875. Truckee was applied to the strange gait of the Indian, writes a pioneer in *Sta Cruz Times*, Aug. 6, 1870. Called Coburn Station, after the proprietor of a saloon. Rebuilt after the fire of 1868, the name preserved in the creek was applied to it. *Nevada Scraps*, 386–90.

The copper excitement of 1865–6 raised a crop of ephemeral towns, of which Spenceville alone survived as a little village. For references to early towns, see *Cal. Courier*, Oct. 16, Dec. 25, 1850; *Larkin's Doc.*, vii. 174; *Nev. Co. Hist.*, 60 et seq.; *Alta Cal.*, July 11, 1853; July 15, Aug. 21, 1854; *Sac. Union*, 1854 et seq.; *Grass Val. Directory*, 1856, 14, 89, et seq.; *Ballou's Adven.*, MS., 26; *Nev. Co. Directory*, 1867, 396.

Boca was built up by a brewery company, and several towns have been revived to some extent by manufacturing enterprise, one source for which exists in the forests. Saw-mills were started as early as 1849–50 near and at Grass Valley, and by 1852 $129,000 was invested in this branch alone in the county. Mining employed about $4,500,000, chiefly in quartz operations. Agriculture flourished under the general prosperity, and in 1852 some 1,500 acres were in cultivation, yielding nearly 15,000 bushels of grain and 10,000 bushels of potatoes, the most favored of esculents in early days. The live-stock numbered 14,000. The farming capital was placed at $113,000, and that employed in trade at $370,000. *Cal. Census*, 1852, 29–30; *Nev. Co. Hist.*, 167–70. In 1855 the cultivated acreage amounted to 4,300, and the fruit-trees numbered 3,200, according to an official report which appears incomplete. The many toll roads and bridges established since 1850 gave stimu-

lus to trade. The second newspaper in the mining districts was issued at Nevada in 1851. A branch railroad, narrow gauge, was begun in 1875. See *Id.*, 123 et seq. Quartz and other resources have helped to sustain the population at the high figure of 20,800 according to the census of 1860, with property assessed at $6,926,000, of which $818,000 was represented by 356 farms, with $271,000 in produce and $188,000 in live-stock.

Yuba county presented a favorable combination of mining, forest, and farming tracts, the latter so attractive as to invite since 1841 a number of settlers along the main Feather, Yuba, and Bear rivers, and Honcut Creek. T. Cordua's rancho, commanding the outlet of the camp-speckled Yuba, suggested the trade centre, which rose here in 1849 under the name of Marysville, as explained elsewhere. For early settlers, see the opening chapter of this volume. Good prospects led a number of speculators to plant rival towns to bid for the trade, such as Yuba City, Plumas, El Dorado, Eliza, and Featherton on Feather River, Kearney on Bear River, and Linda on the Yuba, besides Veazie, Yatestown, Hamilton, and Nicolaus, most of which places faded away or lingered as petty hamlets; for Marysville commanded the situation, and despite her lateral position she became seat of government, which before 1851 stood between Butte and El Dorado, Placer and Nevada being segregated in 1851, and Sierra in 1852, partly owing to the distance from Marysville. Plumas was founded by Sutter and Beach some 15 miles below, and Featherton by Covillaud the same distance above Marysville; but like Kearney and El Dorado they obtained no practical existence. *Placer Times*, March 30, May 3, 1850; *Sac. Transcript*, Apr. 26, 1850; *Pac. News*, May 27, 1850; *Alta Cal.*, May 27, 1850. Eliza, founded by the Kennebec Co., *Id.*, *Cal. Courier*, July 11, 1850, *Bauer, Stat.*, MS., 5–6, subsided gradually, as did Linda, named by Rose after the pioneer steamer. Camp Far West on Bear River was a military post abandoned in 1852. Fredonia lay 15 miles below Marysville. *Sac. Transcript*, Apr. 26, 1850. Among mining camps Park, Rose, and Foster bars stood prominent, together with the adjacent Timbuctoo and Smartsville, and Frenchtown to the north, each of which at some time claimed a population of over 1,000, except Smartsville, which dates only from 1856, founded by G. Smart, and Frenchtown, started by Vavasseur. Origin of Timbuctoo, in *Marysville Appeal*, Jan. 16, 1873. Brown Valley became conspicuous in 1863 for quartz resources, which failed to realize expectations, while Camptonville sustained itself as the centre of a rich gravel field. Brownsville sprang up in 1851 round a saw-mill, and became known as an educational and temperance town, and Wheatland was laid out in 1866 as a railroad station, to become a flourishing shipping place, with a population of 630 by 1880. References to early settlements in *Ballou's Adven.*, MS., 25–6; *Yuba Co. Hist.*, passim; also in Sutter, Placer, and Nevada histories, and *Placer Times*, Oct. 27, 1849.

Notwithstanding the early establishment of ranchos, live-stock appears alone to have received attention previous to 1850, when grain crops are first recorded by J. Morriet, Bryden, and Piatt, the former bringing cattle in 1849. The census of 1850 has no figures for Yuba, yet *Cal. Census*, 1852, 54–6, shows so remarkable an advance as to be doubtful in this respect. The

melons raised are placed at 1,000,000, the barley crop alone is estimated at over 312,000 bushels, and wheat, etc., add 20,000 bushels. See also *Yuba Co. Hist.*, 46, 79, 89, 99. In 1852, 7,000 acres were reported under cultivation, while the live-stock numbered over 10,000 head. Invested capital, exclusive of real estate, amounted to $4,500,000, of which 2,000,000 was in trade, and two per cent in 18 saw-mills and one flouring mill, the first saw-mill dating from 1849, at Moore's on Bear River, which, in 1854, was changed to a grist-mill. *Id.*, 39, 69–71, places the Buckeye Mill at Marysville, of 1853, as the earliest flour-mill. A tannery and foundry are ascribed to this town in 1852. The saw-mills produced 9,000,000 feet for the year. Marysville had a newspaper in 1850. Under the gradual change in leading resources, farms figure here at a larger value than in any of the preceding counties, and to them is mainly due that the population has so very nearly sustained itself at the early number, declining only to 11,280 in 1880, from 13,670 in 1860. The farms in 1880 numbered 515, valued at $2,197,000, with $824,000 in produce, and $429,000 in live-stock; total assessment, $4,293,000.

Sutter forms the only purely agricultural county on the east side of the valley. The earliest occupant was John A. Sutter, who here established Hock Farm in 1841. He was soon joined by several settlers, notably Nicolaus Altgeier, who, incited by the rush for town sites, expanded his hut and ferry-landing into a trading post, and half a year later, with the beginning of 1850, laid out Nicolaus. Lot advertisement in *Placer Times*, Feb. 16, 1850. In 1851 the name was applied to the township. *Sutter Co. Hist.*, 22 et seq. It had 2 dozen houses in April, according to *Sac. Transcript*, Apr. 26, Nov. 14, 1850; *Cal. Courier*, Aug. 7, Oct. 16, 1850; *Alta Cal.*, May 27, 1850; *Sutter Banner*, Apr. 15, 1867. Tapping as it did Bear River, and being accessible at low stages of water by steamboats, it became for a time the county seat, and managed to maintain a certain prominence as a shipping place. The head of navigation had at first been limited to the mouth of Feather River, and here accordingly the town of Vernon was laid out as early as the spring of 1849. It gave great promise and obtained for a time the county seat; but declined through the overshadowing influence of other upper towns. It was founded by I. Norris, F. Bates, and E. O. Crosby. Some say G. Crosby, and substitute B. Simons for Norris. *Pac. News*, Dec. 6, 1849; *Buffum's Six Mo.*, 153. Officials of 1849, including Alcalde Grant, in *Unbound Doc.*, MS., 58–9; *Colton's Three Years*, 416; *Field's Rem.*, 19–20; *Kirkpatrick's Jour.*, MS., 34. Fremont, on the opposite side of the Sacramento, rivalled it for a time. *Sac. Transcript*, Apr. 26, 1850. In the summer of 1849 Vernon had 600 or 700 inhabitants, but the flood of 1849–50 frightened them away, says Crosby, *Stat.*, MS., 27, one of the founders. The steamer service which at this time extended to Marysville gave the real blow. The county seat was here in 1851–2. Yuba City, with similar pretensions and in anticipation of Marysville, was founded in August 1849, by S. Brannan, P. B. Reading, and H. Cheever, under a grant from Sutter. Advertisements in *Placer Times*, Aug. 25, 1849, Apr. 1850. But the advance of Marysville acted against the place, and in 1852 it had a population of only 120, with 15 to 20 dwellings, one hotel, and about 6 shops. *Armstrong's Exper.*, MS., 10, by one of first residents; *Alta*

Cal., Jan. 25, 1850, etc. *Pac. News*, Apr. 27, May 27, 1850, lauds her prospects, which were fostered by a ferry; 80 or 90 houses and more preparing, says *Sac. Transcript*, Apr. 26, 1850. Further, in *Sutter Co. Hist.*, 37, 99, etc.; *Sac. Union*, July 21, 1855, etc. Yuba City was opposite the mouth of Feather River, but the superior site and progress of Marysville undermined the former, and after 1850 the place declined. In 1856, however, it was made the county seat for Sutter, and began to recover, attaining finally a population of about 600. It was incorporated in 1878. Previously the county had among other seats Auburn, which in 1851 was surrendered to Placer, and first Oro, which proved a paper city. It was founded in the winter of 1849–50, by Gen. Green, 2 miles above Nicolaus. It attained only to one house. *Cal. Courier*, Oct. 16, 1850, etc. Two stations opened later along the railroad, and Meridian was among the petty places started on the banks of the Sacramento. See *Sutter Co. Hist.*, 92–7, for settlers after 1849, when town building and traffic attracted a goodly number. For previous data, see the opening chapter of this vol. The county lay away from the beaten paths of traffic that might have raised larger towns, and with hardly any resources to encourage manufactures. Half of the few enterprises started were failures, like the brewery opened in 1850 at Nicolaus, the sorghum and castor-oil mills of 1863–7, and even Chanom's grist-mill on Bear River. The county did not possess a newspaper of its own before 1867. It was purely a farming district, in which grain was raised as early as 1845, chiefly on the east side of Feather River, to supply Sutter's Russian contract. See *Sutter Co. Hist.*, 83. Yet owing to the gold excitement, the *U. S. Census* of 1850, 977–9, reports only 200 acres improved land, yielding chiefly potatoes, but with implements valued at $10,000, and farms at $100,000; live-stock, 3,500 head. In 1852 there were 1,400 acres in cultivation, yielding over 50,000 bushels, mainly barley. Live-stock about 7,000 head. Only $3,600 are given as invested in trade. *Cal. Census*, 1852, 50. Vines had already been planted at Hock Farm. It depends wholly upon its fertile farms, placed by the census of 1880 at 581, the value being $5,172,000, with $1,526,000 in produce, and $511,000 in live-stock; population 5,160.

It is an appropriate name, that of Sierra, for a county occupying as it does the summit of the Nevada range, with too limited an extent of soil in the small, scattered valleys, and too severe a climate to acquire any considerable prominence in agriculture, or to sustain the large influx of population brought by the early gold rushes. The *Cal. Census*, 1852, 44–5, records 168 acres under cultivation, yielding chiefly vegetables; live-stock, 400 head; capital invested, $475,000, largely in mining. By 1880, there were 156 farms, valued at $453,000, with $252,000 in produce, and $140,000 in stock, other property being assessed at $1,000,000. Of manufactures little beyond saw-mills found encouragement, the first by Durgan being in 1850, at Washingtonville. Crayford and Cheever started another in 1851, above Downieville; in 1852 two were added. The population declined from 11,390 in 1860 to 6,620 by 1880. At Downieville was built a foundry in 1855, and two breweries in 1854 and 1861. While occupied by miners in 1849, the Gold Lake excitement of the following year furnished the main influx which lifted

Sierra to a separate county in 1852. The seat at Downieville was founded in February 1850, and well sustained by extensive mining resources. Its originators were W. H. Parks, Mayor Wm Downie, after whom it was named, and who, after discovering gold at Yuba forks, and opening a rich region, met with reverses that changed only in British Columbia and Idaho. *Ballou's Adven.*, MS., 22; *Miners' Mag.*, i. 8; *Kane*, in *Miscel. Stat.*, MS., 9. The place grew rapidly, claiming a tributary population in April 1850 of 5,000, which is doubtful, and polling 1,132 votes in 1851, and possessing a journal in 1852. *Barstow's Stat.*, MS., 2, 7; *Sac. Transcript*, Aug. 30, 1850. On Feb. 21, 1852, it was nearly levelled by fire, loss fully $500,000. *Alta Cal.*, Feb. 24, Dec. 29, 1852; *Placer Times*, Feb. 29, 1852; *S. F. Herald*, id. The following winter brought destitution from interrupted traffic. *Hayes' Cal. Notes*, iii. 64. Another severe fire occurred in Jan. 1858; yet it recovered rapidly, and was incorporated in 1863. *Cal. Statutes*, 1863, 70–8; *Plumas Co. Hist.*, 456–65, 483; *Yuba Co. Hist.*, 41; *S. F. Bulletin*, May 26, 1860; Nov. 3, 1879. The census of 1852 gave it a population of 810, which has increased considerably. Howland Flat, in the north, retained some of its old prosperity, but the adjacent St Louis, laid out in 1852, declined a few years later, as did Forest City, in the south, while Sierra City, which lingered in early years, acquired permanency after 1857. St Louis began in 1850 as Sears' Diggings; its vote was 398 in 1856; burned in Sept. 1854, and July 1857, latter loss $200,000. Forest City prospered between 1852–6 as Brownville, Elizaville, and finally in 1853–4 as Forest City. *S. F. Bulletin*, Jan. 3, 1860.

With its large expanse of rich valley land, Butte county attracted settlers as early as 1844–5, and was largely parcelled out in grants, whose doubtful titles for a time clouded progress. The rise of Marysville gave the incentive in 1850 for founding here, as the higher prospective head of navigation or points of distribution, a number of towns, of which several remained on paper, and a few others rose only to be hamlets. Among the latter were Yatestown and Fredonia, facing each other on Feather River; Veazie below, and Troy and Butte City, the latter surviving on the Sacramento. The most promising among them was Hamilton, which gained the county seat from Bidwell Bar in Sept. 1850, and did fairly well for three years, partly on the strength of gold discoveries made since 1848. Half a dozen houses, and some shanties, says *Cal. Courier*, of Oct. 16, 1850; *S. F. Picayune*, Dec. 11, 1850. Its decline is described in *S. José Pioneer*, Nov. 21, 1877, the place being finally reduced to a solitary house. Bidwell Bar, which was also mined in 1848, flourished in a richer field until 1855. It claimed a tributary population of 2,000 in 1853. The population in 1850 while county seat was 600. It was almost totally burned in 1854. *Alta Cal.*, Aug. 3–16, 1854; *Butte Record*, Oct. 24, 1874; *Delano's Life*, 255. It recovered in part, on the strength of being the county seat since 1853. Presently became apparent the superior advantage of the adjacent Oroville, which assumed rank as the leading mining town and head of navigation. With a vote of 1,000 in 1856, and a tributary population of 4,000, it wrested from its rival the county seat, and assumed the rank of an incorporated town. Two years later, a disastrous fire followed in the wake of diminishing gold resources; but with the extension hither of the railroad,

by way of Marysville, the decline was checked. Mined in 1849, Oroville was known in 1850 as Ophir, rising to prominence in 1852, and in 1855, to avoid confusion with the Ophir of Placer co., the name was changed to Oroville. *Brock*, in *Armstrong's Exper.*, MS., 16; *Pac. Monthly*, xi. 833–4. The fire of July 1858 swept away the business blocks, loss nearly $400,000. This promoted disincorporation in 1859. *Cal. Statutes*, 1857, 77, 291, etc. Yet progressive enterprises, in bridges, water-works, etc., continued, and the railroad, which reached here in 1864, was aided by the town with $200,000 in bonds. Details in *Butte Co. Hist.*, 232–45; *Id.*, *Illust.*, 17. Notices in *Sac. Union*, Sept. 26, Nov. 15, 25, 1855; Jan. 4, May 8, June 9, Sept. 27, Oct. 1, 23, Nov. 11, 22, 1856; *S. F. Bulletin*, Apr. 30, Oct. 27, 1856; *Alta Cal.*, Sept. 24, 1856. Westward lay Thompson Flat, which had 500 inhabitants in 1854, but began to decline in 1846. The still nearer Long Bar was before 1852 the leading settlement for a time. *Oroville Record*, Oct. 21, 1871, etc.; *Id.*, *Mercury*, Aug. 6, 1880.

Meanwhile Bidwell took advantage of the turning flood to found a town in 1860 upon the rancho obtained by him previous to the gold discovery, based on growing agricultural interests. The place was called Chico, after the creek on which it was located. E. A. Farwell had selected this site in 1843 for a rancho, which was occupied a year later, while W. Dickey took up the north side of the creek Chico. Bidwell obtained Farwell's grant and built a house in 1849. After this it became a mail, stage, and voting station, and farms sprang up around it. In 1864 it had a population of 500, and began during the following decade to manœuvre for the county seat, or for the seat of a special county to be called Alturas. This failed; but the construction of the Oregon and Cal. R. R., which reached here in 1870, and long made it practically the terminus, gave so great activity that the town was in 1872 incorporated as a city. *Cal. Statutes*, 1871–2, 11,248. Two flourishing suburbs arose; gas was introduced; and several mills and factories started. *Butte Co. Hist.*, 222–32; *Id.*, *Illust.*, 15–16; *Chico Enterprise*, Oct. 17, 1873; Dec. 31, 1875, etc.; *Id.*, *Record*, July 15, 1876, etc. Agriculture and stage and railroad traffic gave rise to several villages and stations, such as Gridley, Dayton, Nelson, and Nord. Then there was Biggs, which became the third town in the county. Among mining camps, Cherokee, to the north of Oroville, became the centre of hydraulic operations, Magalia held sway beyond Bangor in the south, and Forbestown in the east. As Mountain View, or Dogtown, Magnolia was in 1855 one of the leading points in Butte; in 1880 it had only 200 inhabitants. Story of its name in *Northern Enterprise*, Feb. 7, 1873. Forbestown was settled in Sept. 1850 by B. F. Forbes, and became in 1853 second only to Bidwell, claiming 1,000 tributary population; 300 in 1880. Account in *S. José Pioneer*, Jan. 12, 1878. Inskip was a lively place in 1859, with 5 hotels. Enterprise revived with quartz mining. Coal and other resources tended to advance the county, which found good markets in the mining regions of Idaho and Nevada. While her own mines were still extensive the main reliance was agriculture. In 1852 more than 2,000 acres were in cultivation, yielding some 36,000 bushels of grain, and the live-stock exceeded 9,000 head. Over $380,000 were invested in other branches than mining, such as 14 saw-mills. *Cal. Census*, 1852, 13–14. By 1855 the live-stock had

nearly trebled, and so the acreage in grain, while vines and fruits were fast increasing. The census of 1880 assigns it a population of 18,720, with 999 farms valued at $8,610,000; produce, $2,881,000; live-stock, $828,000; total assessment, $10,743,000. In live-stock it outranked all the counties north of Sac.

The headwaters of Feather River, embraced by Plumas county, owed their occupation chiefly to the Gold Lake excitement of 1850, which found an unexpected realization at the rich river bars. Among the prominent camps were Onion Valley, La Porte—on Rabbit Creek, by which name it was first known—Jamison City, and Quincy, the last so named after the Illinois home of H. J. Bradley, the earliest and leading hotel proprietor here, who also secured the county seat for it in 1854, although it had as yet only a few houses. This dignity, together with a superior site, enabled it to wrest one advantage after another from the adjoining Elizabethtown. It obtained a journal in 1855. A severe fire of Feb. 28, 1861, retarded its progress, but only for a time; it had already secured the preëminence which remained with it. Elizabethtown, or Betsyburg, sprang up in 1852, but began in 1855 to decline under the overshadowing influence of Quincy. Northward were Taylorville and Greenville, the latter fostered by promising quartz interests. But while rich on the surface, the extent of the gold deposits proved insufficient to maintain more than a limited number of settlements, and these only of minor rank. This applies also to agricultural interests, which were restricted to a series of small mountain valleys, while saw-mills figured as the only other conspicuous industry. After a season of whip-sawing, the first mill was built at Rich Bar in 1851. A grist-mill was erected in American Valley in 1854, and another in Indian Valley in 1856, thrashing-machines and saw-mills being by this time in both. P. Lassen is credited with the first vegetables, in 1851, and grain was first sown in 1852, by Boynton, whose *Stat.*, MS., 2--5, contains much valuable information on early days. Copper and coal promised to add to unfolding wealth. For reviews of progress and resources, see surveyors' and assessors' reports in *Cal. Jour. Sen.*, as 1859; *Plumas National*, Jan. 9, 1868; Aug. 3, 1872, etc ; *Plumas Gt Register*. A. P. Chapman and Turner brothers figure among the first actual settlers of Sierra and American valleys, and J. B. Gough of American Valley. A population which in 1860 stood at 4,363 had by 1880 increased only to 6,180, with assessed property valued at $2,100,000, of which $973,000 represented the value of 236 farms, with $424,000 in produce.

The limit of settlement prior to the gold discovery lay within Shasta county, which for a time embraced the region north of Butte and Plumas, and P. B. Reading ranked as the farthest frontierman. Upon his rancho was located, in 1850, the county seat; but the rapid influx of miners, after the prospecting parties of 1849, called for the formation of several counties, as Tehama, Siskiyou, and in due time Lassen and Modoc, with new seats. That of the curtailed Shasta was conferred upon the more central town of the same name, which in the midst of the richest mining field of this region, supplemented by a wide farming range, maintained the lead from 1851, overshadow-

ing Reading's rancho, which, close to the south border, lapsed into a mere hamlet. Reading himself started in 1849 The Spring's or Reading's Upper Spring, which soon after was renamed Shasta. In March 1851 it had three hotels, 3 smithies, etc. *Sac. Transcript*, March 14, 1851. It was severely ravaged by fires in Dec. 1852 and June 1853, the latter involving a loss of nearly $250,000. *Alta Cal.*, Dec. 15, 1852; June 17-18, 1853; *S. F. Herald*, id. In 1854 it had 1,500 inhab. *Capron's Cal.*, 98-9; *Sutter's Rem.*, MS., 72, 132; *Lane's Narr.*, MS., 101-8; *Reading Indep.*, Apr. 17, 24, 1879, etc.; *Shasta Courier*, March 17, Oct. 20, 1877, etc. The census of 1880 gives it a popul. of 448. The camps Briggsville and Horsetown were eclipsed by the rise of the later agricultural town of Cottonwood. Even the name of Reading was confounded by the adjaeent Fort Redding, the bulwark against Indians, subsequently reproduced in the railroad station of Redding. An act in *Cal. Statutes*, 1873-4, 32, changed Redding to Reading, yet the maps retain the former name. Northward lie only petty villages, way-stations for transmountain traffic, farming centres and mining camps, Dogtown on the main Sacramento being one of the most northerly camps in Shasta. Millville received its name from the first grist-mill in this county, of 1854-5. Population doubled from 4,170 in 1870, to 9,490 in 1880, although with an assessed property of barely $2,000,000. The county is too mountainous to compete with the agricultural districts of the main Sac., although it excels in timber resources, so that its 544 farms of 1880 embraced 79,000 improved acres, valued at $1,343,000, with $423,000 in produce and $386,000 in stock. *Cal. Jour. Sen.*, 1856, Apr. 14, 22-3, 61, etc.; *Cal. Statutes*, 1852, 307; *Or. Sketches*, MS.; *Alta Cal.*, Oct. 12, 25, Nov. 8, 1852; Aug. 28, 1854; March 9, Aug. 5, 13, Dec. 7, 1856; Aug. 13, 1857; March 3, 10, Sept. 13, 1859, etc.; *Sac. Union*, May 22, July 17, Aug. 1, 28, Sept. 24, Oct. 5, 22-3, 1855; Apr. 9, 22, May 6, Sept. 12, Dec. 10, 1856; *Overland*, xiii. 342-50; *Shasta Courier*, March 17, 1877; Dec. 7, 1878, etc.; *Reading Indep.*, Apr. 17, 24, 1879; *Shasta Co. Circular*, 1-34.

Eastward Shasta extends beyond the curving Sierra range into the alkali and sage-brush plains of Lassen. This forbidding feature, together with hostile Indians, operated against settlement in this county, and the early immigrants who skirted the western end saw no inducements even in Shasta. Besides the trappers, Frémont, Greenwood, and other explorers may have skirted Lassen county. Lassen passed through it in opening the Pit River route of 1848. Prospectors penetrated this region in 1851, and assisted in opening the Honey Lake route, and diverting immigrants to the upper Sacramento. The first recorded land claim was taken in 1853 by Isaac Roop, of Nevada gubernatorial fame, who in 1854 built a cabin where Susanville rose later, bringing supplies for emigrants and miners. Lassen, Meyerwitz, and Lynch were among the early settlers. *Hist. Plumas, Lassen*, 340-4. Miners drifted across from the south, and undertook in 1856 to proclaim here a new territory, Nataqua, 'woman,' extending between long. 117°-20° and lat. 38½°-42°, on the ground that Honey Lake lay east by the Sierra, and consequently beyond the Cal. border, Roop and Lassen were chosen recorder and surveyor, the only officials. *Alta Cal.*, May 20, 1856. This embraced Carson, which, however, as the most populous section, assumed the lead for forming Nevada Territory, the Honey Lake settlers yielding in 1857, and objecting to

the efforts of Plumas to claim the region. The act creating Nevada Territory in 1861 embraced Honey Lake, and Susanville became the seat of Lake county, renamed Roop in 1862, after the provisional governor and subsequently representative. By thus attaching themselves to Carson, and becoming included in Roop county of Nevada Territory, they roused the Plumas officials to assert their claim to the control, and long disputes followed, attended by bloodshed in 1863. The result was a survey which proved the district to pertain to Cal., and in order to prevent further dissention it was created a special county in the following year. *Cal. Statutes*, 1864, act Apr. 1; *Id.*, 1865–6, 453; 1871–2, 886; *Hittell's Codes*, ii. 1768, for boundary changes; *U. S. Statutes*, Cong. 43, Sess. 2, 497; *Alta Cal.*, Feb. 8–May 1863, etc.; *Hist. Plumas*, 360 et seq. Susanville sustained itself as the seat and leading town, as it had been for Roop county. It was called Rooptown for a while in 1857. Population of its township in 1880, the largest 943; with a journal from 1865. This was in the richest part of Honey Lake district, which formed the only extensive agricultural tract. Though small, the county contained a large number of farms, largely devoted to stock-raising, with several villages, as Jamesville and Milford, dating from 1856–7, and Long Valley. While placer mining never assumed any proportion, quartz mining was promising, although later restricted to Hayden Hill, in the north-west, for which Bieber, near Pit River, was the supply station. The population grew from 1,327 in 1870 to 3,340 in 1880, with property assessed at $1,230,000, of which $1,132,-000 represented 338 farms, with $435,000 in produce, and $512,000 in stock. *Lassen Co. Register*, 1880, etc.; *Alta Cal.*, June 7, 1856; Apr. 30, 1857; *Sac. Union*, Aug. 25, 1857; July 27, Oct. 16, 1872; *S. F. Bulletin*, Apr. 1885; *Cal. Spirit Times*, Dec. 25, 1877; *S. F. Times*, May 16, June 12, 1868; *Gold Hill News*, Sept. 23, 1880.

The northern regions of Shasta county were entered by miners in 1850 by way of Trinity and Klamath rivers, and rich diggings were found, notably in Scott's Valley, named after J. W. Scott, who located himself on Scott Bar in July or Aug. 1850. Gov. Lane of Oregon was probably the first regular prospector near Yreka, while Rufus Johnson's party, which penetrated from Trinity to Yreka Creek in Aug. 1850, following in his tracks, had been prospecting the eastern districts during July.

So large an immigration set in that winter, from the south as well as from Oregon, that the section was in March 1852 formed into a separate county by the name of Siskiyou. The seat was assigned to Yreka, whose exceedingly remunerative flat deposits, opened in March 1851, within a few weeks transformed the first tents into an important town, first known as Thompson Dry Diggings, then with a slight change in location, as Shasta Butte, and this clashing with the lower Shasta, Yreka was adopted, together with the county seat, the name being a corruption of Wyeka, whiteness, the Indian term for the adjacent snow-crowned Shasta. *Hearn's Sketches*, MS., 5; *Yreka Union*, June 5, 1869; *Hayes' Cal. Notes*, iii. 69; *Beadle's Wilds*, 396. Rowe and Burgess brought the first goods. Lockhart was prominent in informally laying out the town in Aug. 1851. Some ascribe the first house to Boles and Dane. A series of fires began in June 1852, and culminated in July 4, 1871,

when one third of the town was burned, loss $250,000. *Alta Cal.*, June 22, 1852; Jan. 14, 22, 1853; May 15, June 1, 1854 (loss $150,000); Aug. 10, Nov. 9, 1858; Oct. 26, 1859; Oct. 24, 1863. Other details are here given, such as the introduction of gas in Dec. 1859. The place has had a newspaper since 1853. The town was incorporated in 1854, but not legally, and was rectified by act of 1857. *Cal. Statutes*, 1857, 229. It declined after 1857, with the mines, but still held the leading place in the county. *Anthony's Rem. Sisk.*, MS., 2–6, 11, 25; *Yreka Journal*, Feb. 17, 1870; *Siskiyou Co. Affairs*, MS., 3–5; *Yreka Union*, June 5, 1869; *Bristow's Rencounters*, MS., 9–11; *Sac. Union*, Aug. 11, 1855; Feb. 26, Apr. 28, May 30, June 3, Dec. 23, 1856; Feb. 2, 1859, etc.; *S. F. Bulletin*, Nov. 17, Dec. 22, 1858; *Bancroft's Journey*, MS., 34. Popul. in 1880, 1,059.

The fertility of Shasta Valley has compensated for the decline of diggings. In the adjoining Scott Valley, Fort Jones acquired the supremacy. This place was founded in 1851 as Wheelock's trading station, and later called Scottsburg, also Ottitiewa, and in 1860 adopting the name of the military post established here in 1852. It was incorporated in 1872. In the upper part of the county is Etna, with 360 inhabitants in 1880. It rose round the flour and saw mills erected in 1853–4, and absorbed Rough and Ready. Most of the early mining camps have died or faded away, including the once prominent Deadwood and Riderville. Bestville, in the west, was according to Anthony, *Rem.*, MS., 3–4, the earliest town. Mugginsville, of 1852, had quartz and other mills with farming and stock ranges, the latter rising here into prominence. The census of 1880 credits the county with 341 farms, valued at nearly $2,000,000, with $548,000 worth of produce and $617,000 of stock, the total assessed property standing at $2,651,000, among a population of 8,610, as compared with 6,848 in 1870, and 7,629 in 1860. Hay was cut in 1851, and farming was undertaken by several in 1852, by Boles at Yreka, and by Heartsrand and White in Scott Valley. Details in *Hist. Siskiyou Co.*, 192–209. Several saw-mills were built in 1852, and flour-mills followed in 1853 at Etna and in Quartz Valley

The year 1874 was marked by the annexation of a part of Klamath county to Siskiyou, and the segregation of the valuable eastern half to form Modoc county. The question was agitated after the Lassen-Nevada war of 1863, and in 1872 a concession was made by opening court at Lake City. Lassen county objected to lose any part of its meagre population, and the Siskiyou people feared the predominance of the latter, if added. As a compromise, Modoc county was created in Feb. 1874, purely out of Siskiyou, and the Pit River people were considered by placing the seat at Alturas. Of the assessment of $3,698,000 in 1873, $1,105,000 was assigned to Modoc, which issued bonds for $14,000 toward debt and delinquent list. Concerning formation and resources of both counties, see *Cal. Statutes*, 1852, 307, 1873–4, passim; *Hittell's Codes*, ii. 1782, 1830; *Cal. Jour. Ass.*, 1873–4, 439–40, 467; *S. F. Herald*, July 11, 1853; *Yreka Union*, June 5, 1869, etc.; *Scott Valley News*, Sept. 18, Nov. 25, 1879, etc.; *Sac. Union*, Dec. 21, 29, 1857; Nov. 17, 1858; Jan. 27, Feb. 12, Sept. 2, Nov. 19, 29, Dec. 5, 13, 24, 1856; Apr. 26, 1873; Aug. 1, Dec. 29, 1874, etc.; *Alta Cal.*, Aug. 6, 1857; Oct. 20, 1858; July 9, 1859;

S. F. Bulletin, Oct. 13, 1858; June 3, 1859; Aug. 29, 1881; *Colusa Sun*, Feb. 26, 1876. The county had in 1880 a population of 4,400, with 472 farms, valued at $1,242,000, which also represents nearly the entire assessment. The produce was estimated at $398,000, and the live-stock at $568,000. This was mainly a stock-raising region, with a certain proportion of farming which found a market in the mining districts eastward. Alturas, originally Dorris' Bridge, dominated as county seat the villages on Pit River. Applegate held a diminutive sceptre in the north-west, and Fort Bidwell rose at the head of the productive Surprise Valley, commemorative of the harassing raids and warfare which so long retarded progress throughout the north. The Modoc war of 1873 was the last serious outbreak, and the rapid improvement following upon its conclusion was especially marked in these two counties. For full account of the Modoc war, see *Hist. Oregon*, and *Inter Pocula*, this series. Pit River was so named from the trapping pits of the Indians.

The southern part of Shasta was in 1856 segregated for the formation of Tehama county. Although occupied by several settlers before 1848, the district received for some time little addition to its occupants, owing to the strange lack of gold, although bordered on three sides by productive mining districts. It became evident, however, that traffic must pass this way for the mines east and northward, and in 1849 three towns were founded, two on Deer Creek, which survived only on paper, Danville and Benton. *Cal. Courier*, Oct. 16, 1850, *Alta Cal.*, Dec. 15, 1849, and founded by Sill and Lassen respectively. At Lassen's an election was held in 1850 of alcaldes for the northern district. *Alta Cal.*, Dec. 15, 1849; *Salinas Index*, Dec. 3, 1872. Thus Tehama received a decided impulse as the proclaimed head of navigation. It became a lively stage town, and a fine farming district sustained it until the railroad came. Its prosperity was for a time checked by the ascent of a steamboat to Red Bluff, which began to rise in 1850. The *Jack Hays* steamboat came in May 1850 within 6 miles of Red Bluff, *Placer Times*, May 22, 1850, where Trinidad City was consequently laid out, though failing to rise. Red Bluff was first laid out by S. Woods and named Leodocia, it is said. The first settler was W. Myers, in Sept. 1850. *Hist. Tehama*, 18–19, says J. Myers erected a hotel here later in 1849, but this conflicts with the legal testimony, as recorded in the *Red Bluff Observer*, Jan. 13, 1866, etc.; *Id., People's Cause*, Nov. 23, 1878. W. Ide, who owned a ferry some distance above, Myers, Reed, and Red Bluff Land Corp., all made surveys in 1852–3. There were then two taverns and two smithies, and in June 1853 about 100 inhabitants; yet the main site was shifted somewhat. In 1854 it claimed about 1,000 inhabitants, and in 1857 a journal. Improvement was steadily promoted by unfolding agricultural and lumber interests, by the Sierra Flume Co., and by the railroad which reached here in 1872. Incorporation act in *Cal. Statutes*, 1875–6, 637. The census of 1880 accords a population of 2,103. *Sac. Union*, July 12, 1855; May 6, Sept. 1, 1856; *S. F. Bulletin*, May 6, 1856, etc. It had few rival towns within the county to compete in trade. There were villages like Grove City, Arcade, Paskenta, and Gleason, and railroad stations like Sesma, detracting rather from Tehama in the south. The name is derived from a striking natural feature. *Bancroft's Journey*, MS., 18.

With a large farming country around, with wool and lumber interests, and as a railroad station and county seat, Red Bluff became the leading town in the northern part of the valley. Agriculture did not properly start up till 1852, but it advanced with rapid strides in later years, and became the great industry of the county, with notable branches in viniculture and stock-raising. Sheep were largely raised. Gerke's vineyard was one of the largest in Cal. Among early farmers, in 1852, were Nat. Merrill and A. Eastman on the Moon rancho, Wilson and Kendrick on Thomes' Creek, A. Winemiller on Elder Creek. Several flour-mills rose in 1854, on Mill and Antelope creeks, and at Red Bluff. Payne's saw-mill on Mill Creek claimed to be the earliest here. The population of 3,587 in 1870 increased by 1880 to 9,300, with property assessed at $4,200,000. *Cal. Statutes*, 1856, p. 257; 1857, p. 410; 1863, p. 492; *Hist. Tehama Co.*, passim; *Tustin's Stat.*, MS., 3; *S. F. Bulletin*, May 20, 1872; *Sac. Union*, Sept. 1, Nov. 24, 1856; Jan. 9, 1857; March 20, Dec. 14, 1858; *Alta Cal.*, Nov. 17, 1857; Oct. 29, 1858; *S. F. Call*, Nov. 30, 1870; *Red Bluff People's Cause*, Sept. 28, 1878, etc

The western side of Sacramento Valley, below Tehama, early recommended its agricultural beauties to the ever-moving current of miners, lying as it did so close to their path. Tired of tramping, stragglers dropped behind in fast-growing numbers to swell the list of settlers who during the forties had paved the way, and its prospects were by 1850 deemed sufficiently promising to form the section into the three counties of Colusa, Yolo, and Solano. According to the census of 1850, Yolo had a population of 1,086, due greatly to the proximity of Sac., which Solano, as farther from the mines, claimed 580; Colusa only 115. By 1852 the three had increased to 1,307, 2,835, and 620, respectively. Dr Semple, who was still struggling to create a metropolis at Benicia, saw in the Feather and Yuba river mines an opening for a great entrepôt at what he considered the head of navigation, the result being the founding in 1850 of Colusa, which after a successful struggle with the usurping Monroeville for the county seat, began three years later to advance to the leading position, sustained by a rich district and by way-traffic. The railroad has passed her by, however, and given a share of trade to several villages, as Arbuckle, Williams, Willows, and Orland. C. D. Semple at his brother's advice bought the site, though at first locating the town on the wrong spot, 7 miles farther up the river. It was the site for the Colusí rancharías. Heeps and Hale built the first house, a hotel. Dr Semple sent up a steamboat, constructed at Benicia, but it proved a failure. *Cal. Courier*, Sept. 13, 1850; *Colusa Sun*, Nov. 3, 17, 24, 1866; Jan. 3, Dec. 5, 1874. Green, the editor, and Hicks were among the first occupants. The town languished, and narrowly escaped the sheriff. *Larkin's Doc.*, vii. 384. But Monroeville being defeated in its usurpation of the county seat, which was decided for Colusa by vote in 1853, the latter began to advance, though checked by a severe fire in 1856, and by a disputed title to the site. The place became in time the head of a large navigation, obtained a journal in 1862, was incorporated, *Cal. Statutes*, 1869-70, 309, 1875-6, 669, and had in 1884 a population of 1,700. *Alta Cal.*, May 18, 1852; *S. F. Herald*, Apr. 14, 1852; *Sac. Union*. May 20, Sept. 6, 1856; *Hist. Colusa Co.*, 66 et seq. Monroe seized for

his rancho the county seat in 1850, and retained it despite judicial decisions until the vote of 1853. *Colusa Annual*, 1878, 66-7, 79-80; *Cal. Census*, 1852, p. 16; *Northern Enterprise*, Nov. 26, 1870; *Cal. Agric. Soc., Transac.*, 1874, 374-5. Princeton and Jacinto are among the river shipping stations. College City is so named after Pierce's Christian college. The census of 1880 shows 1,073 farms covering 753,600 acres, valued at $16,440.000, yielding $5,027,000 in produce, and with $1,411,000 in live-stock; population 13,120. In 1852 there were 1,960 acres under cultivation, producing 36,000 bushels of grain. A beginning in farming must have been made before 1848, although stock-raising was then the aim. The Grand Island mill was built in 1852 as a combined saw and grist mill. *Hist. Colusa Co.*, 178 etc. The county had valuable copper deposits. *Colusa Sun*, Jan. 5, 1867; Jan. 3, 1874; *Colusa Co. Annual*, 1878, 4-13, 63, etc.; *Cal. Agric. Soc., Trans.*, 1874, 369-77; *Cal. Jour. Sen.*, 1852, 748; *Id., Ass.*, 1853, 698; *S. F. Bulletin*, Nov. 23, 1857; Nov. 10, 1858; *Chron.*, Nov. 6-7, 21, 1875; Jan. 26, 1880; March 19, 1883; *Sac. Union*, Sept. 26; Nov. 24, 1856; Oct. 5, 1858, Dec. 7, 1872; Jan. 31, May 22, 1873.

Yolo profited by its proximity to the valley capital, partly from the ready market found for produce, partly from the additional inducement for settlers to form tributary villages, such as Washington, which rose opposite to Sac. as a suburb. The name appears to have been suggested by the adjacent Vernon. J. McDowell built the first hut in 1847. He being killed in 1849, his widow laid out the town in Feb. 1850. Chiles, who started a ferry here in 1848, and several others were then occupants. It figured as the county seat in 1851-7, and obtained a ship-yard in 1855. Early notices in *Sac. Transcript*, May 29, Sept. 16, 1850; *Cal. Courier*, July 26, 1850; *Pac. News*, Aug. 22, 1850; *S. F. Picayune*, Dec. 4, 1850; *Bauer's Stat.*, MS., 13; view in *Sac. Illust.*, 14; *West Shore Gaz.*, 24-33, 122-3. It aspired at one time with a more elevated site to rival Sac., but sank into a petty suburb. Above, facing the mouth of Feather River, Fremont was founded in Aug 1849 to supplant Vernon as the head of navigation, but faded fast away. It was occupied by Jonas Specht's tent store in March 1849, and surveying began July 31st. Hardy's tule hut and Lovell's saloon tent were then the other habitations. It grew so rapidly that a council was chosen on Oct. 1st, *Placer Times*, Oct. 6, 1849, and a large number of miners came down to winter here. But a steamboat passed by this supposed head of navigation to Marysville, and a general exodus followed, which was slightly checked by making Fremont the county seat. This dignity being lost in 1851, the town speedily disappeared like the claims of its namesake. It has 35 or 40 buildings, says *Sac. Transcript*, Apr. 26, May 29, 1850; 60 houses, *Id.*, Sept. 30, 1850. 'A hard-looking place.' *Cal. Courier*, Sept. 13, 1850; *Cassin's Stat.*, MS., 5; *Larkin's Doc.*, vii. 305; *Woods' Sixteen Mo.*, 84; *West Shore Gaz.*, 19-26. Then Cacheville rose in the interior to wrest the county seat from both, to be in its turn vanquished by Woodland. T. Cochran settled in Cacheville in 1849, and built a hotel at the creek crossing; raising slowly a hamlet known for a while as Hutton's, which, from its central position, was in 1857-61 chosen the seat, and boasted in 1857 the first journal in the county.

H. Wyckoff opened a store at Woodland in 1853, known as Yolo City. In 1859 it became a P. O. under the name of Woodland, at the instance of F. S. Freeman, the successor of Wyckoff. Railroad projects gave it importance after 1860; in 1862 it acquired the county seat, and reached by 1880 a population of 2,257. Reincorporation act in *Cal. Statutes*, 1873–4, 551. The fortunes of the county have, like its capital, been the sport of grant speculators, politicians, and railroads, the latter, owing to the vast swamp borders of the river becoming the highways for traffic, and holding sway at a number of stations over this fertile farming district. Dunnigan was settled in 1852, and laid out in 1876; Black Station, Davisville, Winters, and Madison mark the railway, the last laid out in 1877 as the terminus of a branch, absorbing the earlier Cottonwood and Buckeye. Langville, founded in 1857 as Munchville, is the centre for Capay Valley. Knight's Landing, first called Baltimore, dates from 1849 as a ferry station; laid out in 1853, aspiring in vain for the county seat. The first grain crop is ascribed to W. Gordon in 1845. With 1850 farming began to grow; the farms then being valued at $47,000, with $6,500 worth of implements, and 7,000 head of stock. The crop in 1852 embraced 134,000 bushels of grain. By 1880 there were 929 farms of 332,700 acres, valued at $10,937,000, yielding $2,761,000 produce, and with $1,014,000 in live-stock, among a population of 11,772. *Yolo Mail*, Jan. 2, 23, 1879, etc.; *West Shore Gaz.*, 17, etc.; *Hist. Yolo Co.*, passim; *Sac. Union*, Apr. 11, 1855; June 28, Oct. 13, 28, 1856; Oct. 13, 1857; Sept. 23, 1858; Nov. 6, 1872; June 14, 28, July 12, 1873; Feb. 28, Nov. 28, 1874; *S. F. Call, Bulletin, Chron.; Cal. Jour. Ass.*, 1862, 257.

With greater independence and aspirations, Solano continued in a measure to strive for the metropolitan honors to which it seemed entitled by a position at the head of bay navigation, and at the outlet of the great valley. Benicia, as the first point to rise in opposition to S. F., might have gained the vantage but for the sudden transformations of 1849. The early prospects sufficed to start a crop of town projects farther up the bay and its tributaries, as shown in the opening chapter, embracing in this county Montezuma and Halo-Chemuck, while westward was founded Vallejo, which, though failing to retain the state capital, became quite a town. It made a vain effort for the county seat, which, after being secured by Benicia, was in 1858 transferred to the more central Fairfield, founded for the purpose by R. H. Waterman, who named it after his birthplace in Connecticut, and gave ample lands for public buildings. J. B. Lemon erected the first house. The plat was filed in May 1859. It stands in close proximity to Suisun, which may be regarded as its trading quarter and more important half, and the chief shipping point of the county. Suisun was incorporated in 1868, has several mills and warehouses, and in 1880 a population of 550. To C. V. Gillespie, *Vig. Com.*, MS., 5, is ascribed ownership of land here about 1850; to Jos. Wing the first house on the spot; and to J. W. Owens and A. W. Hall the first store. *Buffum's Six Mo.*, 31; *Sac. Union*, Nov. 3, 1856; *S. F. Bulletin*, Oct. 28, 1856. The name comes from the tribe once roaming here. *Suisun Repub.*, Feb. 1, 1877; *Solano Repub.*, Oct. 28, 1875. The favorable hydrographic features of the county afford prominence to a number of minor landings, as Bridgeport, which ab-

sorbed the early Cordelia of 1853; Denverton, the original Nurse's Landing; Collinsville, laid out by C. J. Collins, and called a while Newport. A swindling project, according to *S. F. Bulletin*, May 11, 1857. Near the site of Brazoria, also called Sacramento Brazoria, and Halo-Chemuck, which Bidwell and Hopps sought in vain to found prior to the gold excitement, *Californian*, March 22, Apr. 5, 1848, Rio Vista was laid out by N. H. Davis in 1857, and moved in 1862 to higher ground. Main Prairie, on Cache Slough, reaches the very centre of the county, but has been overshadowed by the railroad, with such stations as Dixon, which absorbed Silveyville dating from 1852. Then there are Elmira and Vacaville, the latter laid out in 1851, and named after M. Baca, or Vaca, who settled here early in the forties.

In 1850 the farms of the county were valued at $130,000, with over 1,000 head of stock; by 1852 the acreage had increased to 5,950, covering 5,800 vines. In 1880 the farms numbered 1,016, valued at $9,717,000, with $2,766,000 worth of produce, and $900,000 in live-stock; population 18,470. *Solano Repub.*, Oct. 28, 1875; *Alta Cal.*, Nov. 27, 1856; Oct. 31, 1857; Oct. 28, 1861; Jan. 8, 1866; July 23, 1867; *Sac. Union*, Aug. 1–3, Nov. 26, 30, 1855; Nov. 25, 1857; Dec. 14, 1858; Aug. 23, Oct. 9, Dec. 18, 1869; Jan. 7, 1870; Dec. 10, 1872; Feb. 8, 15, Feb. 22, 1873, etc.; also *S. F. Bulletin*, *Call*, *Chron.*, etc.; *Suisun Confirm.*, 1–15; *Cal. Statutes*, 1852, 308; 1853, 20; 1861, 12; *Cal. Jour. Sen.*, 1873–4, 607, 828, ap. no. 44, 73–4. Carquin means serpent, concerning which Woodbridge, *Mess.*, Feb. 6, 1869, gives a tradition. *Benicia Tribune*, Dec. 13, 1873.

The northern interior of California was first explored by trappers during the earlier decades of this century, while the coast line had been mapped by navigators of different nations since the sixteenth century, as recorded by names like Mendocino, Trinidad, and St George. The conquest by the United States called attention to the resources indicated by them, and with extension of settlements above the bay of S. F. came the project for a commercial metropolis on the upper coast, probably at Trinidad, as the only harbor marked on the chart. A meeting was held at S. F. on March 27, 1848, to make arrangements for the exploration of that bay. *Californian*, March 29, 1848. See *Hist. Cal.*, i. 242, and *Hist. Northwest Coast*, i.–ii., this series, for early explorations. The all-absorbing gold excitement intervened, but when Reading penetrated to the headwaters of Trinity River and found wealth, which in 1849 induced several other parties to cross the Coast Range, the agitation revived for an entrepôt through which passengers and supplies might be passed into this region by a nearer and easier sea route. Trinity River was so called by Reading, in the belief that it emptied into the Trinidad bay marked by Spanish explorers, and which he supposed to be near by. Indeed, the river placed here by the same old navigators might be this. See this report and allusion to the trip in *Placer Times*, Aug.–Sept. 1849, and also the chapter on mines. Doubts have been expressed that Reading made this journey in 1848; at all events, this became the objective point for miners, traders, and town speculators. Two parties started in Nov. 1849 from the Trinity headwaters to find the mouth of the river, one by way of San Francisco and the sea, which sailed from S. F. in the *Cameo*, on Dec. 9th, but came

back without news, and another by land westward, under Josiah Gregg. About 40 miners who lacked supplies for the winter enlisted, but only 8 started, including D. A. Buck and L. K. Wood, the latter recording the trip in notes revised by W. Van Dyke in 1856, and published by him as editor of *Humboldt Times* of that year, and Feb. 7–14, 1863. Wood then resided in Humboldt, where he had served some terms as county clerk. Testimony in *S. F. Bulletin*, Feb. 28–March 1872; La Moth, *Stat.*, MS., 2–11, and Van Dyke subsequently wrote detailed accounts for me, *Stat.*, MS., 20. The report was reproduced in the *Eureka West Coast Signal*, March 20–7, 1872, in *Overland*, i. 144, and *Humboldt Co. Hist.*, 83 et seq. See also *Cronise's Cal.*, 197. Starting on Nov. 5, 1849, from Rich Bar, they crossed the south fork



HUMBOLDT BAY REGION.

at its junction with the main Trinity, and by Indian advice struck westward over the ridge, reaching the coast after much trouble at Little River, whence on Dec. 7th they gained Trinidad Head, called by them Gregg's Point, as per inscription left there. Turning southward they named Mad River, in commemoration of the leader's temper, and coming upon Humboldt Bay on Dec. 20, 1849, they called it Trinity. This was not the first discovery of the bay, however, for a Russian chart of 1848, based on information by the Russian-American Co., points it out as entered by a U. S. fur-trading vessel in 1806. The Indian name was Qual-a-waloo. *Davidson's Directory Pac.*, 73. Buck,

who subsequently founded Bucksport, was the first to observe it on the present occasion. They camped on the site of Arcata, and celebrated Christmas on elk meat, after which Elk River was named. Eel River was so called from the food here enjoyed, and Van Duzen Fork after one of the party. The party now dissented and separated, Gregg with three others, after vainly attempting to follow the coast, drifting into Sacramento Valley, Gregg perishing from exposure and starvation. The others, following Eel River and then turning south-east, reached Sonoma on Feb. 17, 1850, Woods being mutilated by bears.

The explorers by sea, after announcing the discovery at S. F., returned by land with a party of 30, and in the middle of April 1850 laid the foundation for the towns of Bucksport and Union, or Arcata. Buck was afterward drowned off the Columbia bar in the *Gen. Warren*. *S. F. Bulletin*, loc. cit. Report of wagon party in *Humboldt Times*, i. 14, Dec. 2, 1854. *Id.*, Apr. 15, 1876, defers this location till 1851, but Woods is positive. Union, founded on Apr. 21st, was regarded by most as the only good site. Others hastened to gain the bay by sea, and during the spring a fleet set out, headed by the *Cameo* and *Laura Virginia*. The latter was the first to enter both Trinidad and Humboldt bays early in April. The *Cameo* failed to observe the latter, but gained Trinidad Head and landed the explorers, who, penetrating up the Klamath, met in due time miners descending the Trinity, and so cleared up the mystery of its course. Highly elated, they founded Klamath City on the south bank of this river, but its shifting sand bar proved insurmountable for vessels, and the city died. The *Laura Virginia*, under D. Ottinger of the U. S. revenue service, on furlough, after anchoring at Trinidad later in March entered Humboldt Bay on April 9th, and assuming it to be his discovery, he applied this name and founded the town of Humboldt. *Lamotte's Stat.*, MS., 2–11, by a member of the expedition; Ottinger's report of April 25, 1850, to the secretary of the U. S. treasury, republished in *North Independ.*, 1870; statement of E. Brown, Ottinger's partner, in *S. F. Bulletin*, Feb. 28, etc., 1872. St Blunt, U. S. N., sailed at the same time in the *Arabia*, but failed to find the entrance. His boat was swamped near Trinidad, and five men drowned, including lieuts Boche and Browning, U. S. N. *J. M. Ryerson* arrived early in April at Eel River, and joined a whale-boat crew in founding a town three miles up, seeking afterwards to direct migration this way by proclaiming it the main route to the mines. *Humboldt Times*, Feb. 7, 1863. Shortly before, the *Gen. Morgan*, fitted out by Sam Brannan and his brother, had sent in boat crews which named the River Brannan, and then crossed the divide to Humboldt Bay, which was called Mendocino. There they proposed to found a town and connect it by a canal with the river, after failing to agree with Parker of the *Jas R. Whiting*, concerning a share in the town founded by him at Trinidad. Capt. Warner of the *Isabel* laid out Warnersville Apr. 10th, adjoining Parker's. The pilot-boat *Eclipse*, Capt. Tomson, arrived at Bucksport early in May 1850, with 24 persons; and a party headed by Ryan on May 8th located Eureka, the first camp being made on the spot known as Ryan's Garden. Testimony of the survivor Young in *S. F. Bulletin*, May 17, 1878. Ryan was chosen alcalde. *Humboldt Times*, Dec. 25, 1869, etc. Yet Woods, *Van Dyke's Stat.*, MS., 23, *West Coast Signal*,

March 27, 1872, Jan. 10, 1877, mentions that Ryan had been here with the *Gen. Morgan*, and that about this time the *Laura Virginia* crew was encamped on this point. In *S. F. Call*, May 26, 1878, Brett's tent is placed as the first habitation. *Polynesian*, vii. 2. Among other vessels were the *California*, which hastened back on March 28th to announce the discovery of Trinidad, as recorded by Gregg, *Paragon*, *Sierra Nevada*, *Hector*, *Patapsco*, *Galinda*, and *Malleroy*, several of which were stranded off Humboldt and Trinidad; *Cameo* being declared lost owing to a somewhat prolonged absence. As the news came of the different foundations, the press fairly teemed with glowing notices and prospectures by the rival projectors. Instance, *Alta Cal.*, Apr. 10, May 27, et seq., 1850; *Pac. News*, id., Apr. 26, May 13–16, Aug. 22; *Cal. Courier*, July 1, Aug. 5, 1850, etc. See also references in preceding note.

The earliest site on this upper coast was that of Trinidad, selected during the first days of April by Captain Parker of the *James R. Whiting*. It was for a moment overshadowed by Klamath City. Another river city on the Eel, and a project at the south end of Humboldt Bay, failed to assume tangible form, notwithstanding the glowing notices lavished upon them, in common with the rest. Trinidad acquired the lead, soon counting 30 buildings, partly from its proximity to the Trinity mines, which, moreover, procured for it the seat of Trinity county, which in 1850 was created to embrace all this newly explored region west of the Coast Range. It received further impulse from the Gold Bluff excitement during the winter of 1850–1, which drew a crowd of adventurers in search of ready-washed gold from the ocean bluffs. *Pac. News*, May 16, Feb. 26, 1850; *Alta Cal.*, May 27, 1850; March 5, Apr. 29, June 14, 1851; *Sac. Transcript*, Feb. 28, 1851, reduces the population to 200, but other accounts place it much higher. *Cal. Courier*, Feb. 19, 1851. But with the rise especially of Crescent City, and the transfer in 1854 of the county seat from Klamath to this rival and then to Orleans Bar, Trinidad declined. Population 80, says *S. F. Bulletin*, Jan. 7, 1856; *Alta Cal.*, Oct. 25, 1855; *West Coast Signal*, Nov. 22, 1871.

Meanwhile diggers had pushed their way along the Trinity and northward to Salmon and Klamath rivers, rendering this section so important as to call in 1851 for the creation of Klamath county. The region round Humboldt Bay shared largely in the traffic with the Trinity mines and revealed such promising agricultural and timber resources that in 1853 Humboldt county was formed out of the western half of Trinity. *Pac. News*, Aug. 22, 1850, alludes to garden culture round Union. In 1854 fully 2,500 acres were declared in cultivation, while stock-raising, notably for wool and dairy purposes, fast assumed large proportions, especially after Indian depredations ceased. Eureka became the centre of the lumber trade, which began in 1850 by the export of spars. In Aug. 1850, according to the *Humboldt Times*, the *Francis Helen* brought machinery for the Pioneer or Papoose mill now erected at Eureka by J. M. Eddy and M. White. Yet another statement declares that the *J. R. Whiting* carried away the first cargo of piles in the summer of 1851. Ryan claims his mill of Feb. 1852 as the first; he might say the first successful mill, for the former of 1850 failed after two years' existence. For progress, see *Hist. Humboldt Co.*, 141–3. Two flour-mills rose in 1854, on Van Duzen Fort and at Eureka. The seat of Humboldt county was assigned

to Union, a town prosperously sustained by the farming and timber resources of Mad River. In 1854 it had 12 or 14 stores, and justly claimed the lead. In 1860 the name was changed to Arcata, which soon figured as an incorporated town, with 700 inhabitants in 1880, sustained by a large trade with the Trinity mines, but it ranked second to Eureka. *Alta Cal.*, Aug. 21, 1854; *S. F. Bulletin*, Jan. 7, July 26, 1856. The success of Union roused the jealousy of Eureka and Bucksport, the latter claiming the most central position, the best site, and the harbor, which, indeed, procured for it the port of entry privilege—a no small advantage, considering the large lumber trade of the bay. For the 11 months ending May 1854 there arrived in the bay 143 vessels, with a tonnage of 22,000, bringing 562 passengers. *Coast Survey*, 1854, ap. 35; *U. S. Gov. Doc.*, Cong. 34, Sess. 1, H. Miss. Doc. 85, ii., Pilot bill; *Cal. Jour. Sen.*, 1851, 1826. In 1853 came a steam tug. The *Sea Gulf* was the first steamer to enter, in Sept. 1850. *Humboldt Times*, Apr. 15, 1876, etc. The shallow bar does not permit very large vessels to cross. After a long struggle marked by lavish promises and stupendous voting, the legislature transferred the dignity in 1856 to Eureka, which thereupon incorporated, wrested the trade from Bucksport, and advanced to the leading position in the most prosperous county on the northern coast. The population of Eureka in 1880 was 2,639. Hookton and even Arcata became tributary, owing to their shallower harbors. During the year ending Nov. 1, 1877, 329 vessels entered, carrying away 58,700,000 feet of lumber, besides spars and farm produce. In the preceding year 1,100 vessels crossed the bar. There were then 7 saw-mills, a foundry, and two breweries. *S. F. Call*, May 26, 1878; *S. F. Post*, June 14, 1877; *Cal. Courier*, Aug. 5, 1850; *Cal. Statutes*, 1856, 37, 103–5; 1859, 192–7; 1873–4, 91–2; *Sac. Union*, Dec. 2, 1859; *Hawley's Humboldt*, 28–35. The population of the county, 2,694 in 1860, increased by 1870 to 6,140, and by 1880, with addition of a slice from Klamath, to 15,512, with property assessed at $5,481,000, whereof $4,120,000 in 1,309 farms, live-stock, and farm produce, each being estimated at one million. *Cal. Statutes*, 1853, 330; 1862, 6–7; 1871–2, 1007–8; *West Coast Signal*, June 25, Oct. 1, 1873; Jan. 11, 1878; *Cal. Spirit Times*, Dec. 25, 1877; *Hawley's Humboldt*, 1–42; *S. F. Herald*, Jan. 31, 1852. Scattered notices in *Sac. Union*, *Alta Cal.*, *S. F. Bulletin*, *S. F. Call*, *Pacific*, Aug. 6, 1874, etc.; *Humboldt Times*, Jan. 11, 1873; Apr. 15, 1876; Jan. 27, Dec. 29, 1877; May 11, 1878; Aug. 28, 1880, etc. This, the first newspaper, was started in 1854. The Eel River farming region gave rise to Rohnerville, Hydesville, and Ferndale; Petrolia being the growing centre of Mattole, with petroleum wells, Garberville occupying the Eel south fork. Two military posts in the interior point to the retarding influence of untrustworthy Indians in early years.

The opening of mines along the lower Klamath and Smith river, and the unapproachability of Klamath City, led to the foundation in 1853 of Crescent City, a name considered in *Pac. News*, May 2, 1850, and due to the crescent form of the bay. The *Paragon* met with disaster here in 1850, and applied its name to the bight for a time. The increase of prospectors in this vicinity, and the failure of Klamath City, which had thriven for nearly a year, *Pac. News*, Nov. 1, 1850, Jan. 3, 1851, *Sac. Transcript*, Nov. 14, 1850, opened

fine prospects for a town at this the only roadstead above Trinidad; and a company headed by R. Humphreys and J. F. Wendell took up land here in 1852, and in Feb. 1853 laid out a town. A mill was erected. *S. F. Herald*, Apr. 27, June 16, 1853. The title was not confirmed, but the council subsequently bought it from the U. S. So rapid was the growth that in 1854 it claimed over 200 houses and 800 inhabitants, with a journal, and was incorporated. *Cal. Statutes*, 1854, 33, 68; *Cal. Jour. Ass.*, 1854, 658–9; *Id.*, *Sen.* 1855, 877. View in *Pict. Union*, Jan. 1855; *Del Norte Record*, June–Nov. 1880; *Crescent City Courier*, Sept. 4, 1878; *Van Dyke's Stat.*, MS., 23; *Alta Cal.*, Apr. 10, 1854; Sept. 1, 1855; Jan. 19, June 29, Oct. 17, 1856; Aug. 20, 1857; Feb. 2, Aug. 20, 1858; Nov. 19, 1859; May 27, 1864; Apr. 1, 1865; with references to lighthouse and harbor improvements; also *Sac. Union* and *S. F. Bulletin; U. S. Gov. Doc.*, Cong. 41, Sess. 2, H. Misc. Doc. 62. The county seat, won from Trinidad, being lost by 1856, it agitated for a separation from Klamath, and succeeded in obtaining the formation of Del Norte county, with itself as seat. Although this promising period was followed by decline, yet its possession of the only pretence of a harbor in this region, together with a few minor industries, manage to maintain it as the leading sea town north of Eureka, notwithstanding the meagre mining and agricultural resources of the county, the latter consisting chiefly of live-stock. The population of the county increased from 1,993 in 1860, and 2,022 in 1870, to 2,584 in 1880, with property assessed at $696,000; the value of 77 farms being $399,000, yielding $133,530, while the live-stock was worth $743,960. *Cal. Statutes*, 1857, 35–8, 162; 1858, 378; *Crescent Courier*, June 11 et seq., 1879; *Del Norte Record*, July–Oct. 1880, etc.; *Pac. Rural Press*, Sept. 18, 1875, etc.; *S. F. Bulletin*, Dec. 1, 1870; June 6, 1879; *S. F. Call*, May 4, 1879; Jan. 6, 1884; *S. F. Chron.*, Oct. 10, 1875; Feb. 28, 1881. Crops were raised in Smith Valley in 1854, and a flour-mill rose at Crescent City in 1856, a saw-mill being there in 1853, since which time 4 more have risen. A salmon cannery was added. The first important point in the county was Happy Camp, of July 1851, which flourished in a small way in 1887, being superior to the other mining camps. On Smith River rose Altaville and other villages, which partly supply the Oregon mining field.

A still poorer section was Klamath county, which by the segregation of Del Norte, and the gradual decline of the Klamath and Salmon River mines, declined to so small and barren a field that the diminishing population, of less than 1,700 in 1870, began to complain against the burden of a separate administration and a swelling debt. In 1874, accordingly, it was disorganized and apportioned between Siskiyou and Humboldt, both Orleans Bar, the county seat since 1856, and Trinidad falling to the latter, with $273,500 of the $601,500 assessed property, and $10,890 of the $23,950 debt. The population in 1860 was 1,800. Siskiyou's objections were with difficulty overruled, republicans suspecting a democratic intrigue to obtain a majority. *Cal. Statutes*, 1851, p. 1827; 1855, p. 200; 1856, pp. 32–3; 1871–2, p. 1010; 1873–4, pp. 369, 802, 755–8; *Van Dyke's Stat.*, MS., 5; *Alta Cal.*, June 9, 1864. Klamath River has here little farming land, and the Hoopa Indian reservation absorbs the largest tract thereof in the county. Trinidad depends greatly on its sawmills. Trinity, with a population threefold larger, long depended on mining,

for its resources were limited, even for live-stock, with a poor outlet for timber. Lathrop's water-power saw-mill of 1853 heads the list; by 1858 about 17 other small mills had been added, besides three flour-mills. A tannery existed in 1856. Agriculture had been begun in 1850 by B. Steiner, near the town bearing his name. By 1880 there were 142 farms valued at $285,000, the produce and live-stock being estimated at about $115,000 each, while the assessed property of the county stood at $868,000, among a population of 5,000, grown from 3,213 in 1870; in 1860 it was 5,125. Among the numerous early camps Ridgeville, Minersville, Lewiston, Cañon City, Long and Big bars continued to figure, partly owing to the gradually unfolding quartz interests, while Weaverville retained the prominence as county seat and centre of trade which a rich gold-field procured for it in 1850. Both Reading and a Frenchman named Gross are said to have mined there in 1849, followed by Weaver, whose name was applied to the creek and consequently to the town. By 1851 it had acquired sufficient prominence to rival the Humboldt Bay towns for the county seat, and obtain it after some trouble in 1852. Herein lay one cause for the segregation of the dissatisfied Humboldt county, leaving Weaverville the seat in 1853 of a much reduced section. It met with several disasters from fire in 1853–5. *Alta Cal.*, March 13, 1853; Dec. 12, 1854; Oct. 1, 12, 1855; Jan. 17, 1856; Oct. 22, 1859; Oct. 17, 1860; *S. F. Herald*, March 13, 1853; *Sac. Union*, Dec. 12, 1854; March 1, 28, May 10, 30, Sept. 10–14, Oct. 11, Dec. 18–19, 27, 1855; Jan. 24, Apr. 8, Aug. 29, Dec. 10, 1856; Sept. 23, 1858; Aug. 17, 1859. Yet it incorporated in 1855, and continued to prosper, with a newspaper from 1854. For a time it was rivalled by Ridgeville, which in 1856 claimed 700 inhabitants, but in 1858 only one fifth of that number. Cañon City also declined from 400 in 1855. *Yreka Union*, Feb. 1, 1879; *Weaverville Jour.*, Feb. 25, July 15, 1871, etc.; *Cal. Statutes*, 1871–2, 766; *Cox's Annals of Trinity*, 206 pp., the last a rambling yet useful book.

The current of settlement which penetrated the northern districts of California, reënforced by sea-route additions, was soon met by another, radiating from Sonoma. While slow to appreciate the commercial advantages of San Francisco Bay, the gradual expansion of ranchos directed attention to the valleys along its north line, and in 1834 M. G. Vallejo established a military outpost near the decaying mission of Solano. In this he was prompted by political aspirations, and other personal interests, as well as by the advisability of checking the encroachments of the Russians, who for three decades prior to 1841 held the region round Bodega Bay, the first occupants north of S. F. Under his protective wing a number of followers began to occupy the fertile tracts adjacent, until the sway of their chieftain in 1848 extended to the shores of Clear Lake on one side, and on the other to the ocean, at Walhalla River, the word Walhalla being a corruption of Gualula.

After the first flush of gold excitement, the advantages of Sonoma county were quickly observed in its varied resources and proximity to the metropolis at the Gate. Farming, which had been started by the Muscovites decades before, and taken up at the mission on a large scale, was now resumed by different settlers, with profits greatly eclipsing those of the gold-diggers.

Vegetables were in time supplemented by grain and cattle, and later viniculture blossomed into a leading industry. Fruit-trees and vines were planted by the Russians and early valley settlers; three grist-mills rose before 1849; while the luxuriant redwood forests, which had already given rise to two mills, yielded themselves to a fast-developing lumber business. Dawson had opened a saw-pit in the thirties, in imitation of the Russians, upon whose domain Capt. Smith erected the first steam mill in 1843. A similar mill replaced, in 1849, the water-power mill at Freestone, owned by McIntosh. *Californian*, March 8, 1848, describes the saw and flour mills at Bodega. In later years, quicksilver mining employed a large force. These different industries fostered a trade facilitated by several streams and inlets, and by two railroads, one of them begun before 1870, and towns sprang up in profusion round mills and stations and in the different valleys. But the centre of population shifted west and northward, and Sonoma, which in 1848 figured as a town, and consequently became the county seat in 1850, declined, and the political sceptre was in 1854 transferred to the central Santa Rosa, then only a year old, but rapidly lifted by the unfolding agriculture and the traffic with Russian River to the leading town in the county. *Cal. Star* and *Californian*, of Jan.–Feb. 1848, refer to the flourishing condition of Sonoma. *Larkin's Doc.*, vii. 200; *Cal. Pioneers*, 7. In 1848–9 it became an entrepôt for the diggings. Incorporated in 1850, proposed disincorporation in 1852, effected in the following decade. *Cal. Statutes*, 1850, 150; 1867–8, 576; *Cal. Jour. Sen.*, 1852, 781, etc.; *Alta Cal.*, May 23, 1851; June 17, 1852; *Sac. Union*, Dec. 31, 1856, etc.; *Montgomery's Remin.*, MS., 5. It sported a journal in 1850. *Sonoma Democ.*, Nov. 23, 1878. The Carrillos, who owned the Santa Rosa country, erected the first house in the vicinity in 1838–9. In 1851 Mallagh and McDonald opened a store, followed by A. Meacham, and by Hakman, Hoen, and Hartman. The town of Franklin having been laid out in 1853, under the agitation for a new county seat, the latter traders, in conjunction with Julio Carrillo, followed the example that same year by laying out Santa Rosa—so named after the creek and rancho—a mile from the site mentioned, where Carrillo had in 1852 built a residence, and N. and J. Richardson a store in 1853. The third building was a hall, and this feature assisted greatly the judicious manœuvres which in Sept. 1854 wrested the seat from Sonoma. The town now grew rapidly for a time, was incorporated in 1867, and with the arrival of the railroad, early in the seventies, bounded forward at a greater pace than ever, securing gas and street-cars by 1877, and several mills and factories, and in 1880 a population of 3,616. *Son. Democ.*, Oct. 25, 1872; May 16, 1874; June 10, July 8, 1876; *S. F. Bulletin*, Jan. 23, Feb. 23, 1880; *Alta Cal.*, Sept. 27, 1856, etc.; *Hist. Son.* (1877), 20–2; *Id.* (1880), 386–441; *Cal. Jour. Ass.*, 1854, 686, etc.; *Cal. Statutes*, 1871–2, 62.

Next stands Petaluma, which still claims preëminence in trade, as the head of navigation in the valley. It was started in 1850 as a hunting and shipping point by J. Lockwood, Linns & Wiatt, Baylis & Flogdell, McReynolds & Hudspeth. Soon after Keller took up a claim, and in Jan. 1852 laid out a town which was called after the Indian name of the creek. W. D. Kent opened the first store and P. O. The rapid advance was marked by a journal in 1855. *Cal. Statutes*, 1858, 148; 1859, 210, 396; 1867–8, 383, 783; 1875–6, 288,

975. Incorporation occurred in 1858, when the population was claimed to exceed 1,300; gas was there in 1863, and numerous manufacturing industries in 1880 assisted in sustaining 3,326 inhabitants. *Pet. Argus*, Feb. 9, Nov. 16, 1877; *Montgomery's Remin.*, MS., 4; *Sac. Union*, May 29, 1856; and preceding general references. The name is claimed by some to be a corruption of pata loma, durk hill, from early hunting incidents; but most assign it to an Indian source.

In the northern part, on Russian River, Healdsburg held sway as the foremost incorporated city. It was founded in 1852 by H. G. Heald, on Fitch's grant, as Heald's store. Its growing importance caused it to be laid out in 1857 as a town, henceforth known as Healdsburg. It grew rapidly, supported a newspaper in 1860, incorporation in 1867—amended in *Cal. Statutes*, 1873–4, 665—and in 1874 flourished as a city. Population in 1880, 1,133. *Healdsburg Enterprise*, Nov. 22, 1877; *Russ. R. Flag*, June 13, 1878. Healdsburg was followed by Cloverdale, long the terminus of the railroad. The place was located in 1856 by Markle & Miller. Population 430 in 1880. Incorporation act in *Cal. Statutes*, 1871–2, 95, 164, 550. The railroad also fostered such towns as Fulton and Windsor, while Guerneville long led the numerous milling camps, including Forrestville, Freestone, and Duncan's Mill and Bodega, the several shipping places on the coast, as Fort Ross, Salt Point, Fisherman's Bay. Sebastopol is on the road to Bodega, which is named after the Spanish explorer who discovered it. See *Hist. Son.*, of 1877 and 1880, for details; *Son. Co. Register; Cal. Agric. Soc.*, *Trans.*, 1874, 390 et seq.; *Pet. Crescent*, Jan. 25, March 12, 1872; *S. Rosa Times*, Aug. 9, 1877; Jan. 31, 1878, etc.; *Pet. Courier*, Apr. 5, 1877; Jan. 31, 1878, etc.; *Son. Democ.*, Jan. 6, Feb. 17, March 3, 1877; *Pet. Argus*, Oct. 25, 1878; June 27, 1879; *Healdsburg Enterprise*, June 26, 1879; *Alta Cal.*, May 24, 1850; Aug. 1, 1853; July 25, 1854; Feb. 16, Sept. 25, 1857; March 11, Oct. 14, 1858; Dec. 2, 1862; Nov. 7, 1863; Feb. 15, 16, July 5, Nov. 2, 1865; Apr. 25, 1868; Oct. 30, Nov. 4, 1872; May 3, 13, 1874; also *S. F. Call, Bulletin, Post, Times, Sac. Union*, etc.; *Cal. Statutes*, 1852, 236; 1855, 150; *Woods' Pioneer*, 214. The population of the county increased from 560 in 1850 to 2,208 in 1852, 11,867 in 1860, and 25,926 in 1880, with 2,229 farms valued at $16,950,000, produce $2,740,000, live-stock $1,578,000. In 1852 it raised over 117,000 bushels of grain, a still larger quantity of potatoes, etc., and 18,000 head of stock.

The large northern half of Sonoma, to Humboldt, was in 1850 accorded the title of Mendocino county, although subject to the former for judicial and revenue purposes, the population being then placed at 55, and in 1852 at 384, owning 3,300 head of stock, and raising barely 10,000 bushels of grain. By 1859 the population had increased sufficiently to permit a separate organization, one eighth of the debt, or $2,532, being debited to Mendocino. The boundary was modified in 1860. *Cal. Statutes*, 1859, 407; 1871–2, 714, 766. The county seat was placed at Ukiah, the centre of a considerable farming district on the Russian River. Ukiah was first settled by S. Lowry in 1856, followed by A. T. Perkins and J. Burton, who traded here. When chosen county seat it had a population of 100, which by 1880 was 937. A journal appeared in 1860. The name comes from the Indian tribes once occupying

the spot. Incorporation act in *Cal. Statutes*, 1875–6, 162. Eel River embraces the other fertile section, which however falls largely within the Indian reservation, the source of much disturbance in this region. Numerous small streams intermediate along the coast render accessible the immense forests which form the chief industry of the country. Saw-mills and shipping points dot the coast, from Gualala northward, with the small but prosperous Mendocino City in the centre. It was here that honest Harry Meiggs started a mill in 1852. The town was laid out in 1855. Point Arenas and Little River lie below, and Fort Bragg marks the site of the reservation placed here in early years. A second mill was started in 1852 by Richardson, after which they increased rapidly. See *Hist. Mendocino Co.*, 141. Blue Rock and Cahto form centres in Eel River valley. Little Lake, Pomo, and Calpetta, rise in the middle of the county, the last being the only rival for the county seat in 1859. Below Ukiah, Hopland is the leading village, close to which F. Feliz settled about 1844, the first occupant of the country. John Parker is said to have been the next settler, in 1850, on Wilson Creek, near Ukiah. Yet this year the census credits the county with 200 bushels of corn and some live-stock. A flour-mill was here in 1858. In 1880 there were 982 farms, valued at $4,451,000, produce and live-stock each standing for somewhat over a million, and the total assessment at $5,976,000, among a population of 12,800, against 7,545 in 1870 and 3,967 in 1860. *Mendoc. W. Coast Star*, Dec. 25, 30, 1875, etc.; *Ukiah Press*, Jan. 21, 1881; *Russ. R. Flag*, Dec. 30, 1869; Nov. 22, 1877; *Alta Cal.*, Aug. 6, 1858; Apr. 8, May 19, July 31, Aug. 2, 30, 1859, etc.; *S. F. Bulletin*, Dec. 29, 1856; Feb. 8, 1857; May 29, 1858; June 20, 1862; March 3, Apr. 13, 1865; Nov. 29, 1879; also *Call*, *Chron.*, etc.

The adjoining beautiful Lake county, formed round Clear Lake between two branches of the Coast Range, had been used as a grazing country since about 1840, and received in 1847 its first permanent occupants, Stone and Kelsey, who being killed by Indians in 1849 for their cruelty, led to an avenging military expedition in 1850, under Lt Lyons. W Anderson, who in 1851 occupied and named Anderson Valley in Mendocino, is said to have located himself and wife here in 1848. *Hist. Lake Co.*, 63; *Napa Register*, Feb. 21, 1874. Remoteness and fear of Indians delayed further settlement till 1853. After this the influx was rapid, and in 1861 this northern district of Napa was formed into a separate county, with the seat at Lakeport, on the land of Wm Forbes, the first business occupant being J. Parrish. *Cal. Statutes*, 1861, 1865–6, ap. 69; 1871–2, 305, 903; *Hittell's Codes*, ii. 1766. A newspaper was started here in 1866. Lakeport became in due time the leading town, although not until after a close struggle with Lower Lake, which obtained the seat between 1867–70, and for a time had high aspirations, based on adjacent mines and expected factories. First house here in 1858; first store in 1860. In the south Middletown rose as a thriving way-station, and throughout are scattered a number of medicinal springs with a yearly increasing attendance, which together with some quicksilver deposits assist to bring revenue to a county otherwise depending wholly upon agriculture. Both grist and saw mills are recorded in 1858. The population increased

from 2,970 in 1870 to 6,600 in 1880, possessing 512 farms valued at $1,892,000, with produce worth $518,000, and live-stock $288,000, the total assessment being $2,177,000. Cotton has been raised. Kelseyville and Upper Lake became thriving villages. *Lakeport Co. Rept*, 1–77; *Dodson's Biog.*, MS , 1–8; *Hist. Lake Co.*, passim; *Harper's Mag.*, xlviii. 43–5; *Hayes' Cal. Notes*, iii. 143; *Lower Lake Bulletin*, Dec. 1869; Feb. 5, 1881; *Lakeport Bee*, June 15, 1876; Jan. 4, May 17, June 14, 1877; March 20, 1879; *Sac. Union*, Oct. 6, 1855; June 3, 1856; *S. F. Bulletin*, Dec. 26–8, 1863; Dec. 22, 1869; June 17, 1870; *Call*, Nov. 16, 1871; June 25, 1876; March 9, June 24, 1879; *Alta*, etc.

Napa, the garden valley of California, shared quickly in the immigration drawn by the venture at Sonoma, and early in 1848 it was found expedient to lay out the town of Napa, at the head of navigation. It was done by Grigsby and Coombs, at what was known as the embarcadero, or landing, for the produce of the farms and mills above, as pointed out in *Cal. Star*, Feb. 12, 1848, when alluding to the town survey lately made. The *Californian* of March 8, 1848, was puffing it. *Cal. Pioneers*, 10; *Napa Register*, June 23, 1877; July 20, 1878. In April, W. F. Swasey and C. C. Southward prepared to open a store. *Cal. Star*, Apr 1, 1848 Tradition says H. Pierce erected the first building on the site, for a saloon, in May, it is added, J. P. Thompson opening the first store. After the temporary check caused by the gold fever, it gained strength and obtained a population of 300 by 1852, a journal was started in 1856, incorporation followed in 1872, *Cal. Statutes*, 1871–2, 1014, 1873–4, 140, with gas and street-cars, and by 1880 the population had advanced to 3,730, from 1,880 in 1870. The steamboat which since 1850 supplemented sloop traffic was greatly supplanted by the railroad. The insane asylum established here in 1872 proved a source of considerable revenue. Thus as centre of trade and the county seat, Napa became the most populous place in the valley. Next ranked St Helena, renowned for its vineyards, founded on Bale's original grant, and named after the adjacent mountain, which was christened after a Russian woman. Still and Walters built the first house and store there about 1851. Kister and Stratton came 3 or 4 years later, according to *St Helena Star*, Feb. 12, 1876, after which the agriculture interests increased. In 1876 St Helena was incorporated, *Cal. Statutes*, 1875–6, 444, boasting its securing a newspaper in 1874. Population in 1880, 1,340. Beyond, Calistoga figured as a health resort, and later as the terminus for the railroad, which gave importance to several other agricultural villages, as Yountsville, first called Sebastopol, but renamed after Yount, the first settler in the valley, who built a house in 1836. Monticello was located in the centre of Berreyesa Valley, Wardner in Pope Valley, and Knoxville at the Redington quicksilver mines, which were at one time a profitable industry. Calistoga was founded, in imitation of Saratoga, by Sam Brannan, with a large expenditure. The first store rose in the town proper in 1866; in 1871 appeared a journal. *Napa Register*, March 24, 1877; *Player-Froud's Six Mo.*, 60. The whole valley became more or less interested in viniculture, to which Col Haraszthy here gave the decisive impulse in 1858. In 1881 over 11,000 acres were devoted to this industry, bearing about 1,000 vines each, the yield in 1880 was 2,857,000 gallons. *Hist. Napa Co.*, 181–227; *Napa Co. Illust.*, 6–

15. The census of 1880 enumerates 897 farms valued at $7,515,000, with produce at $1,581,000, and live-stock at $531,000. In 1852, 250,000 bushels of grain were raised, largely barley, giving work to many mills, of which several existed prior to the gold excitement, beginning with Yount's. Ship-building dates from 1841. By 1880, the population had increased to 13,230 against 7,160 in 1870, and 2,110 in 1852, the latter including 1,330 Indians. *Napa Land Reg.*, *Indep. Calistog.*, Aug. 20, 1879; *St Helena Star*, Apr. 11, 1879; *Napa Register*, May 2, 1874; March 24, 1877; July 13, Nov. 23, 1878; Apr. 17, 1880, etc.; *Napa Reporter*, March 17, 1877; June 27, 1879; frequent reports in *Alta Cal.*, *S. F. Bulletin*, *Call*, *Sac. Union*, etc.

On the other side of Sonoma, which before 1850 controlled all this region, projects the peninsula of Marin, wherein, at San Rafael, missionaries formed the Spanish pioneer settlement north of the bay; while vessels and sailors resorted before the thirties to Sauzalito, the site of Read's cabin. The nature of the soil and climate, and the proximity to San Francisco, fostered vegetable gardening and pasturing, so that the county may be classed as a vast dairy farm, with centres at Tomales, Olema, and other points, and with two railroads to assist a fleet of small craft in taking its produce to market. Among notable settlers in 1849-50 were members of the Baltimore and Frederick Trading Co. Further names in *Hist. Marin Co.*, 110-27, 384-8; and see my preceding vols. It counted over 8,000 head of live-stock in 1850, with a population of 323 white men, which by 1852 had increased to over 800, besides 218 Indians. There were then 4 saw-mills producing 9,000,000 feet of lumber, beginning with Read's mill of 1843, followed by Parker's at Sauzalitc, and the Baltimore Co.'s, both of 1849. The population grew to 3,330 by 1860, and to 11,320 by 1880, with 487 farms, valued at $5,694,000, yielding $1,601,000 in produce, and with $913,000 in live-stock, the total assessment standing at $8,413,000. *Id.*; *Alta Cal.*, Oct. 12, 1855; Apr. 16, Nov. 10, 1867; March 3, 1872; Aug. 2, 1874; *S. F. Bulletin*, Oct. 23, 1858; *S. F. Call*, Sept. 20, 1867; Aug. 11, 1871; July 20, 1872; *Chron.*, etc.; *Marin Co. Jour.*, Feb. 26, 1880; *Cal. Statutes*, 1856, 34; 1860, 269-70; 1861, 351, on boundaries. Taylorsville became noted for its paper-mill, the first in Cal. Tomales received its first store in 1852. The state's prison at Pt Quintin presents a profitable outlet in itself, as does the harbor of Sauzalito, which like the more important county seat of San Rafael figures among the summer resorts and suburbs of the metropolis. *San Rafael Tocsin*, Jan. 17, 1879, gives a history of San Quintin, which is considered elsewhere in this vol. See also *Pioneer Sketches*, iii. Sauzalito, from sauzal, willow, had in 1849 three houses. Subsequent settlers, in *Lancey's Cruise*, 197-9; *S. F. Bulletin*, Feb. 15, 1878; *Cal. Dept. St. Pap.*, *Ben.*, iii. 40; *Gift's Cal.*, 17. San Rafael, as a mission establishment and point of prominence, was the seat of an alcalde when in 1848 a town was laid out. Notice in *Cal. Star*, Apr. 29, 1848; *Gift's Cal.*, 13-27. There were then two houses besides the mission, Alcalde Murphy's and Short's. In 1850 the first store was opened, and several houses were added. The adjacent prison promoted it by increasing traffic, and its fine climate began to draw a number of residents, until the population by 1880 stood at 2,270. It obtained a journal in 1861, and gas and other improvements came in time. Incorporation act in *Cal.*

Statutes, 1873–4, 111; *S. R. Herald*, Jan. 15, 1875, etc.; *Hist. Marin Co.*, 322 et seq.; *Sac. Union*, March 1, 1870; *Leslie's Cal.*, 189–90; *S. F. Call*, Jan. 16, 1875; May 18, 1876. Ship-building at Bolinas, water-works at Sauzalito, and fisheries add to the resources. Bolinas is a corruption of ballenas, whales.

Following the track of camp-building miners from the radiating centres at Sacramento and Stockton, we find them crossing the dividing ridges of the Cosumnes to fill up first Calaveras county, especially along the rich branches of Dry Creek, partly settled before the gold discovery. Here rose Amador, Sutter, and Volcano, which under subsequent quartz developments sustained themselves as flourishing towns. Volcano, though mined in 1848, assumed a settled appearance only in 1850. In 1855 it polled 1,110 votes, and boasted a journal, but declined after this. *Amador Dispatch*, March 30, 1872; *Taylor's Eldorado*, i., cap. 23; *Connor's Cal.*, MS., 2. Sutter Creek became an incorporated town in 1856, and had mills and foundries in token of prosperity. Jackson, after being for a time county seat for Calaveras, became the seat for Amador when this was organized in 1854. Jackson was called Botellas by the Mexican miners of 1848, perhaps in humorous commemoration of L. Tellier, a settler. In Dec. 1850 it had nearly 100 houses. Two years later it lost the county seat, but gained it again soon after, obtaining gas-works and progressing well, though ravaged by fire in 1862, and by floods in 1878. Earlier troubles are recorded in *Sac. Union*, Aug. 25, Sept. 18, Oct. 1, Dec. 22, 1855; Feb. 15, March 19, Oct. 11, 1556; *S. F. Bulletin*, Aug. 26, 1862. Butte City sought at one time to rival it. Calaveras bestowed the dignity upon Mokelumne Hill, whose gilded mountain acquired for it the preponderating influence, until in 1866 the more central San Andreas gained the supremacy. Mokelumne Hill became prominent in 1850, as described in *S. F. Picayune*, Oct. 17, 1850; suffered severely from fire in 1854; *Alta Cal.*, Feb. 20, Aug. 21–4, 1854; *Sac. Union*, Sept. 15, 1855, March 25, Sept. 2, Dec. 16, 1856, and began to decline in the sixties. *S. J. Pioneer*, Feb. 22, 1879. San Andreas was laid in ashes in 1856. The name should properly read San Andrés. *S. F. Bulletin*, Feb. 2, Sept. 26, 1856; *Sac. Union*, Dec. 24, 1856. Southward Carson and Angel hold positions corresponding to the Volcano quartz group. Copperopolis sprang into prominence for a while as a productive copper mine, about the same time that silver lodes called attention to the higher ranges eastward, and prompted the organization in 1864 of Alpine county, with the seat at Silver Mountain, named after the highest peak of the county, and subsequently at Markleeville. Its hopes in these deposits met with meagre realization, and its lumber and dairy resources languished under the decadence of Nevada, as its chief market. Its population, about 700, in 1880 owned 33 farms valued at $124,000, the total assessment being $540,000. *Monitor Argus*, Feb. 1886; *Alpine Signal*, May 7, 1879; *Gold Hill News*, Aug. 9, 1875; *S. F. Times*, July 9, 1868; *Cal. Statutes*, 1863–4, 441, 566, with incorporation act of Markleeville. The first settlement is placed at Woodford's, in 1855, on the immigrant route from Carson, where the first saw-mill also rose. *Alpine Chron.*, Apr.–May 1864; *S. F. Bulletin*, May 9, 1864. Although most of the mining camps of Calaveras and Amador declined after a brilliant career, agriculture flourished in many sections, particularly in the fertile western parts,

round towns like Ione City and Milton. Among prominent ancient mining towns were Yeomet, which had a promising position at the junction of the Cosumnes north and south forks; Muletown, which was kept up a while by hydraulic mining; Drytown, which received its final blow from a conflagration in 1857. Fiddletown grew till 1863; Plymouth began to gain by 1873; Lancha Plana, supported by bluff mining, boasted a journal and claimed nearly 1,000 inhabitants in 1860; and Murphy flourished in 1855. Carson's Flat was the great camp of 1851. *Taylor's Eldorado*, i. 229–31. Copperopolis rose in 1861, and shipped in 1863–4 over $1,600,000 net via Stockton. In 1850 Calaveras stands credited with farms worth $76,800, containing $172,800 worth of live-stock, and $14,700 in implements. The census of 1880 gives it 467 farms valued at $756,000, with live-stock $262,000, and produce $308,000, the total assessment standing at $1,871,000, yet the population fell from 16,299 in 1860 mining days to 9,090. Amador did better, for her larger farming area embraces 531 farms, valued at $1,481,000, stock $296,000, produce $453,000, total assessment $2,468,000, population 11,384. *Placer Times*, Feb. 29, 1852; *Calaveras Chron.*, Sept. 1873; Feb. 1877; *Stockton Indep.*, March 7, 1877; *Calaveras Citizen*, July 21, Nov. 10, Dec. 29, 1877; *Mokel. Chron.*, Jan. 25, 1879; *Amador Times*, March 22, 1879, etc.; *S. J. Pioneer*, Aug. 11, 1877; *Hist. Amador Co.*, passim; frequent notices in *Sac. Union*, *S. F. Call*, *Bulletin*, *Chron.*, and *Alta Cal.*; *Cal. Statutes*, 1854, 156; 1855, 315; 1857, 251; 1863, 231; *Hittell's Codes*, ii. 1661. Lumber was cut in 1846 for a ferry-boat, and Ione had a saw-mill in 1851. Farming was carried on before the gold discovery, and continued more extensively in 1851–2.

The trade centre for these as well as the more southern counties lay at Stockton, to which the traffic of the early gold excitement had given growth. Its success brought several rivals to the front within San Joaquin county, as Castoria on the adjoining slough, San Joaquin and Stanislaus cities which faced each other at the southern extreme, and Mokelumne City near the mouth of the Cosumnes, but their aspirations failed even for becoming subordinate points of river distribution. San Joaquin was started in 1849. *Pac. News*, May 2, Aug. 28, 1850. Castoria was laid out in 1850. *Cal. Courier*, Oct. 12, Nov. 1, 1850; *Pac. News*, Oct. 1, 1850; *Alta Cal.*, Jan. 17, 1851. It struggled till 1853. Mokelumne City was opened as an entrepôt in 1856, and sloops built here ran direct to S. F. It rose to poll 172 votes, but the flood of 1862 so ravaged the place that it never recovered. Stanislaus, which dates from the Mormon settlement of 1846, was transferred to a railroad station. *Buffum's Six Mo.*, 156; *Hawley's Observ.*, MS., 6; *S. Joaq. Agric. Soc.*, *Transac.*, 1861, 115. Lockeford and Woodbridge absorbed the river trade of the Mokelumne, but most other districts became tributary to railroad stations like Lodi, Lathrop, Farmington, and other places thickly sprinkled in this agricultural region. Woodbridge, long known as Wood's ferry, was laid out in 1859. Lockeford, settled by Locke in 1855, was laid out in 1862, when the steamboat *Pert* reached this point. *Tinkham's Stockton*, 14–16. Farmington was the Oregon rancho of Theyer and Wells; Lodi, with flour and saw mill, started in 1869. Crops were raised at Farmington in 1846–7, near Stockton, and on the Stanislaus. In 1850 farming was resumed, and by 1852 about 4,000 acres

were cultivated, yielding 120,000 bushels of grain, besides vegetables. In 1880, the farms numbered 1,100, valued at $18,553,000, produce $4,420,000, live-stock 1,300,000; population 24,349 against 5,029 in 1852. Swamp-land was widely reclaimed. Ship-building and wagon-making date from 1850–1. Timber was lacking. Douglas was named after Gen. Douglas, and Dent after Gen. Grant's brother-in-law. *McCollum's Cal.*, 38; *S. Joaq. Directory*, 1878, 174–251; *Hist. S. Joaq. Co.*, passim.; *S. J. Pioneer*, Aug. 18, 1877, etc.; *Stockton Indep.*, March 17, July 14, 1877; June 22, 1878; Sept. 11, Dec. 23, 1879; Feb. 27, 1880, etc.; *Tuoloume Indep.*, Feb. 1, 1879; *S. J. Mercury*, Nov. 27, 1879; *Alta Cal.*, March 21, 1851; Aug. 11, Jan. 10, 19, July 9, Aug. 11, Sept. 22, 1853; May 21, Dec. 2, 1854; with frequent scattered letters in *Id.*, *Sac. Union*, *S. F. Bulletin*, since 1854; *Cal. Jour. Sen.*, 1859, Apr. 3, 40–3; *Id.*, *Ass.*, 1860, 350, 376–80.

The similar adjoining county of Stanislaus, which was formed in 1854 and rose to become a leading wheat-producing district, was scoured by miners along the eastern border, since 1848, where a few began to settle as ferry-men and traders. Among them were G. W. Branch and J. Dickinson, with ferries, Dr Strentgel, H. Davis, C. Dallas, C. W. Cook, J. W. Laird, Jesse Hill, and others. On the Stanislaus rose Knight's Ferry, laid out as a town in 1855, and becoming the county seat for a time, a dignity held prior to 1862 successively by three towns on the Tuolumne, the ephemeral Adamsville and Empire City, and by the more substantial La Grange, which rose to prominence under a mining excitement in 1854–5. Knight's Ferry was supported later by farming interests. Knight, trapper and exploring guide, opened the ferry in 1848–9. After his death it passed into the hands of the brothers Dent, who laid out the town known for a time as Dentville. It was the county seat between 1862–7. *Alta Cal.*, March 22, 1857; Aug. 17, 1859; *Sta Cruz Times*, March 5, 1870; *Scient. Press*, Oct. 14, 1871. Adamsville was founded in 1849 by Dr Adams, and Empire City in 1850. *Pac. News*, May 2, 1850. Empire ranked in 1851 as the army depôt and head of Tuolumne navigation. La Grange was first known as French Camp, from French miners of 1852, though worked since 1849, and became a flourishing way-station. It declined greatly after losing the seat. The first settler on the spot was Elam Dye. *Hayes' Mining*, i. 43; *S. F. Bulletin*, Dec. 31, 1855; *Sac. Union*, Nov. 3, 1855. All of these towns were surpassed by the more central Modesto, laid out in 1870 under railroad auspices, and made the county seat in 1872, with gas, several mills, and two journals. *Stockton Indep.*, Dec. 30, 1870; *S. F. Chron.*, Aug. 3, 1884. Turlock and Oakdale became prosperous stations, the latter the terminus for many years of the Visalia road, with plough factory, etc.; population 376 in 1880. Tuolumne City was founded in 1849 near the mouth of the Tuolumne River, in the vain hope of becoming the entrepôt for this stream. It was laid out by P. McDowell, but collapsed at the first low water. *Placer Times*, May 20, 1850; *S. F. Herald*, June 5, 1850. The adjacent Grayson and Hill's Ferry, the latter a claimant to the head of navigation on the San Joaquin, tended to undermine it. Grayson was laid out early in 1850 by A. J. Grayson, a pioneer of 1846, and flourished with the aid of a ferry. *Alta Cal.*, May 24, 1850. Two lines of steamboats touched here. In 1852, Tuol-

umne, of which Stanislaus was the leading agricultural section, stood credited with 1,870 acres in cultivation, and 7,700 head of stock. In 1880 the census gave Stanislaus 692 farms, valued at $7,654,000, produce $2,142,000, live-stock $997,000, population 8,751 against 2,245 in 1860. *Modesto Herald*, Feb. 1880; *Hist. Stanislaus Co.*, passim; *Alta Cal.*, Feb. 28, 1856; Feb. 18, 1880; *Sac. Union*, Dec. 31, 1856; Oct. 28, 1858; *S. F. Call*, Jan. 10, Feb. 9, Aug. 4, 1873; *Post*, *Chron.; Cal. Statutes*, 1854, 21–4, 148–9; 1855, 245. A flour and saw mill started up at Knight's Ferry in 1853–4.

The greater part of Stanislaus pertained during its first years as a little esteemed section to the nugget region of Tuolumne, centring round Sonora, headquarters for the southern mines, and chief battle-ground of the antagonistic Latin race and the Anglo-Saxons. This race-feeling was one of the grounds for the futile struggle of Jamestown to gain the county seat from Sonora. Jamestown was one of the earliest camps; vote 299 in 1855, when a fire ravaged it. *Sac. Union*, Oct. 4–5, 1855; *Hayes' Mining*, i. 34. The extreme richness of this district gave rise to a larger number of prominent camps than could be found on a similar area elsewhere, many of which maintained respectable proportions for a long time, notably Columbia, so named by Maj. Sullivan, the first alcalde, and others, in April 1850, one month after the opening of this mining ground by J. Walker and party. It was laid out in 1852, when its first newspaper was started. It was nearly destroyed by fire, July 1854, yet incorporated in 1856. *Alta Cal.*, July 11–12, 1854; July 10, 1852; *Tuolumne Indep.*, March 1879; *S. F. Herald*, July 11, 1854; Oct. 29, 1851; population in 1850 from 2,000 to 5,000. *Warren's Dust*, 149; *Placer Times*, May 17, 1850; *S. J. Pioneer*, Sept. 8, 1877. View in *Pict. Union*, Apr. 1854. Incorporation act and repeal, in *Cal. Statutes*, 1857, 188; 1869–70, 438. Jacksonville, started in 1849, was named after Col Jackson, the first storekeeper. *Woods' Sixteen Mo.*, 121, 125; *Hayes' Mining*, i. 42; *McCollum's Cal.*, 38; *Pac. News*, Dec. 29, 1849. Among others were Chinese Camp, once polling 300 votes, Springfield, Shaw Flat, which in 1855 claimed a tributary population of 2,000, Yankee Hill, a nugget ground, Saw Mill Flat, where the bandit Murietta held forth. Southward lay Big Oak Flat and Garotte, the former settled in 1850 by J. Savage. *Hayes' Mining*, i. 38. A gradually supplanting agriculture came to relieve others, and to infuse a more sedate tone into the elements so deeply tinged by the gambling spirit, rowdyism, and race-antipathy of early digger times. The first orchard is ascribed to W. S. Smart at Spring Garden. The first mill was Charbonelle's at Sonora; by 1854 there were 24 in the county. In 1880 Tuolumne had 721 farms, valued modestly at $1,054,000, with produce $393,000, live-stock $332,000; total assessment $1,596,000, and a population of 7,848 against 16,229 in 1860. *Tuolumne Co. Direct.*, 33 et seq.; *Son. Union Democ.*, March 17, Apr., May, July 28, Sept.–Oct. 1877; *Tuol. Indep.*, Feb. 10, Dec. 17, 1877, etc.; *Sac. Union*, Oct. 18, 1855; Sept. 25–7, Oct. 27, Dec. 30, 1856, etc.; *Alta Cal.*, July 26, 1854; Aug. 7, 1856; Oct. 9, 1857; May 21, 1859; Aug. 6, 1860; May 26, 1867; *S. F. Bulletin*, Aug. 6, 1856; May 29, 1880.

The region beyond Tuolumne was opened only in 1849, J. D. Savage being one of the first to enter and to establish a trading post, while Col Frémont

took the earliest steps toward quartz mining upon his famous grant, named, like the county, after the Rio de las Mariposas. Its comparatively meagre placers gave support to but few camps, and those that rose in early days owed their existence chiefly to quartz. Their fading hopes revived with the disappearance of the cloud of litigation so long hanging over the land. The only town of note besides Mariposa, the county seat, with about 500 inhabitants and 2 journals, was Coulterville, with its orchards and vineyards. The scenic wonders of the Yosemite Valley drew a profitable traffic. In 1855 the valley section was segregated to form Merced county, with the county seat for some years at Snelling, first started as a mining camp and way-station, and named after the Snelling family, which in 1851 bought the land and hotel, the first in Merced, of Dr Lewis. The disadvantages of the county seat first chosen on Turner and Osborne's rancho, on the Mariposa, 8 miles from Merced, caused Snelling to be selected the same year. It was laid out in 1856, grew rapidly, and obtained a journal in 1862, but was almost destroyed by flood and flame in 1861-2. In 1872 it lost the county seat, and declined into a quiet town. *S. Joaq. Argus*, June 18, 1870, etc.; *Merced Reporter*, Nov. 1874. Merced was laid out for the county seat under railroad auspices, and soon acquired the leading position. It was surveyed Feb. 1872. Minturn, Plainsburg, and Cressey were minor stations. Merced Falls once looked to its water-power for a future. Hopeton, below on the Merced, and Dambert, Los Baños, and Central Point, were leading villages on the other side of the San Joaquin. Hornitos gained incorporation privileges in 1861. *Cal. Statutes*, 118. The rich valley land was not subdivided so as to receive proper cultivation and development. The 388 farms mentioned in the census of 1880 embraced 656,700 acres, valued at $4,820,000, produced $881,-000, live-stock $824,000, population 5,650 against 1,141 in 1860. The population of Mariposa decreased like that of most mining districts, numbering 4,340 in 1880 against 6,240 in 1860, its small valleys containing 176 farms, valued at $331,000, with produce at $181,000, and live-stock $168,000, the total assessment rising, however, to $1,295,000. *S. F. Herald*, Nov. 12, 1852; *Alta Cal.*, Nov. 12, 1852; Apr. 12, 1855; Sept. 26, 1857; Oct. 1, 16, 1858; July 15, 1864; June 6, 1867; *Sac. Union*, Feb. 1, Apr. 10-11, Oct. 5, 1855; Jan. 23, Feb. 22, March 14, Apr. 17, May 13, 27-8, Oct. 21, Nov. 26-9, Dec. 13, 26-7, 1856; Sept. 23, 1858. Also *S. F. Times*, *Bulletin*, *Call*, Feb. 2, June 17, Dec. 25, 1877; *Mariposa Co. Register*, *Mariposa Gaz.*, May 3, 1879; *Stockton Indep.*, Sept. 19, 1870; *Cal. Statutes*, 1855, 125-8; *Hittell's Codes*, ii. 1778. The first orchard and vineyard in Merced is ascribed to H. J. Ostrander, and the first alfalfa and well, while J. Griffith in 1851 sowed the first field of wheat, and erected the first grist-mill; the next was the Nelson mill, at Merced Falls.

Fresno county in 1856 was segregated chiefly from Mariposa. With only a narrow fringe of mining country, and with a vast expanse of arid-looking plains in the centre and west, and an equally uninviting ruggedness along the Sierra slopes, it seemed to have few attractions for settlers; and indeed, during the first years Indian troubles tended to repel them, so that occupation was restricted to the placers of the north-east, with a sprinkling elsewhere of

stock-raisers. In time, however, it was found that with irrigation, for which advantages were numerous, the soil could be made exceedingly productive, and this of the most assured character. Yet the application was hardly possible for the ordinary farmers, except in combination, and this was effectively achieved by colonies. The first to be started on a successful basis was the Central California, opened in 1875, round Fresno, which encouraged others. Land was taken mostly in 20-acre lots for viniculture, until this hitherto repulsive section promised to become one of the most flourishing in the country. The first colony, the Alabama, of 1868–9, failed, and was almost abandoned by 1874, because it had not been started right. The *Hist. Fresno Co.*, 111–20, describes the progress of 9 colonies prior to 1882. The Fresno Canal and Irrigation Company, the first enterprise on an extensive plan, takes its source at the junction of Kings River and Fresno Slough. M. J. Church, justly called 'the father of irrigation' in California, has done a gigantic work for civilization through agriculture made possible by his efforts in Fresno county, through him deserts have become gardens, and thrifty colonies established. Fresno City, laid out in 1872, by the railroad, and becoming the county seat two years later, owed its rapid growth greatly to these colonies. It was surveyed in May; the first store was opened in July–Aug., by D. Frölich; journal in 1874; several industries started. Riverdale and Washington became also thriving. *Fresno Expositor*, Jan. 1, 10, 1879; *Id.*, *Repub.*, March 1880; *S. F. Bulletin*, March 10, 1880. It reduced to a mere shadow Millerton, the first seat of justice, which had risen upon the mining camp of Rootville, and was partly sustained by the adjoining Fort Miller, established Apr. 1851 and abandoned in 1863. Rootville rose under its wing to be renamed Millerton, obtained a journal in 1856, and had 113 school children in 1870. After 1872 the leading people moved to Fresno. The first saw-mill rose here in 1854. Madera, Selma, and Kingsburg figure among the stations which absorb the trade of the county, partly at the expense of earlier towns like Kingston, which had its beginning as Whitmore's ferry. Yet Centreville holds its own as a flourishing way-station, and Coarse Gold is still a mining camp in the north-east, with a fine sheep region adjoining, while in the extreme west New Idria is sustained by important quicksilver mines, worked chiefly by Cornish and Mexican miners. Panoche Valley northward is a valuable section. Coal and petroleum promised to swell the resources, and quartz-mills were put in operation. Fresno Flat was sustained by several camps. Buchanan rose on the Chowchilla, on the strength of copper deposits, which proved unprofitable. Although Fresno has advanced greatly since 1880, it is well for comparison to state that the census then gave it 926 farms, value $4,400,000, produce $978,000, live-stock $1,570,000, total assessment $6,354,000, population 9,480.

Tulare corresponds in its agricultural features to the preceding county, while the absence of mineral deposits is compensated for by a large proportion of forest land, provided especially with oak. Irrigation has been widely extended from a primitive beginning anterior to the sixties, one of the canals, the 76, having a width of 100 feet, with a carrying depth of four feet. Numbers of artesian wells insure crops, while the vast area of marsh-land presents

a fine range for hogs and other stock. These advantages attracted an immigration before which the Indians of the reservation faded, and the silent plains were transformed into smiling farms and vineyards, clustering round towns like Visalia, the county seat, which from a pretty hamlet of 1859 rose to an important place, and the rapidly developing Tulare. The white people numbered only 174 out of 8,582, according to the census of 1852. By 1870 the population increased to 4,533, and by 1880 to 11,281, with little over 100 Indians. The farms numbered 1,125, value $3,525,000, produce $712,000, live-stock $875,000, total assessment $5,204,000; but the increase since then has been rapid. The first settlement in the county is ascribed to Campbell, Pool, & Co., who opened a ferry on Kings River in the spring of 1852. *Alta Cal.*, Oct. 17, 1852; *Barton's Hist. Tulare*, MS., 3 et seq. N. Vice, the Texan bear-hunter, settled here, and aided by O'Neil laid out the town early in Nov. 1852, naming it after himself. A month later it claimed over 60 inhabitants, and gained the seat of government in 1854 from the adjacent Woodville, which in consequence was completely overshadowed. A mill was rising in Dec. 1852, a journal was started in 1864, and by 1880 it had over 1,400 inhabitants, with gas and water works. *Alta Cal.*, Dec. 11, 1852; *Hayes' Angeles*, viii., 169; *Visalia Delta*, Feb. 14, 1866; Oct. 12, 1876, etc. Incorporation act in *Cal. Statutes*, 1873–4, 191. Goshen, Tipton, Hanford, and Lemoore fast gained ground. The first saw-mill was started in 1856 on Old Mill Creek.

The Kern River mining excitement of 1854–5 did much for this region, promoting traffic and settlement, and by opening a field of industry in the extreme south of the valley, which in 1866 caused the formation of Kern county. The county seat was at first assigned to Havilah, which sprang into prominence as a quartz centre, surpassing the hitherto leading Kernville, but with the expansion of agriculture, under irrigation and railroad outlet, the fertile delta country westward acquired a supremacy, and the seat of government was transferred to Bakersfield, which, sustained by the railroad, made rapid progress. Havilah was named after the place in Genesis, where the first allusion is made to a land of gold. Bakersfield was founded on the tract of T. Baker, and formed a thriving village, with a newspaper, when in 1870 some speculators sought to gain possession of the land on technical grounds, though in vain. The county seat was transferred in 1874. Mojave, Tehachapi, and Pumpa were soon among the rising stations. *Cal. Jour. Sen.*, 1871–2, 531. Although a number of small inviting valleys exist, the richer level tracts are less adapted for small farmers, so that this section did not receive the same early impulse as the districts to the north. It had 282 farms according to the census of 1880, valued at $1,927,000, produce $543,000, live-stock, $851,000, total assessment $6,000,000; population 5,600. Farming early assumed considerable proportions in the rich delta region, where settlers began to reclaim land and open roads. Cotton culture has been undertaken since 1871.

Beyond the Sierra stretches a narrow belt of silver-bearing country, bordered on one side by snow-capped peaks, towering 15,000 feet into the clouds; on the other by forbidding alkali flats, arid wastes, and volcanic tracts marked by strange contortions, acrid waters, and steaming geysers. The discovery

of a limited placer round Monoville brought a population which in 1861 led to the creation of Mono county, with the seat of government at first at Aurora—but this town, described in *Wasson's Bodie*, 49–51, was soon after surrendered to Nevada—and then at Bridgeport. But Monoville faded away, and Bridgeport yielded the supremacy to Bodie, famed for many rich quartz mines, and the terminus of a railroad, which skirts the lake and approaches Benton, the next town of importance, and described in *Benton Messenger*, Feb. 8, 1879. Leavitt's lies to the left of the northerly Patterson mining district. The rise of Bodie is narrated in *Wasson's Bodie*, 220–5; *Bodie Standard*, May 1, Sept. 23, 1878. The region southward, early traversed by emigrants, who reported silver in 1850, and entered by stockmen in the beginning of the sixties, revealed similar lodes, which on trial, proved disappointing, and led to the failure of many costly mills, and the decline of towns like Owensville and San Carlos. They served, however, to attract an immigration sufficient to give by 1865 a decisive check to the hostile Indians, and to bring about the organization of Inyo county with the seat of government at Independence. The mining interest, centring in the Kearsage district, was soon surpassed by the agricultural resources, although these were practically restricted to the narrow valley of Owen River, while the more sterile Mono was content with a supplemental stock-raising. Inyo was by the census of 1880 given 242 farms, valued at $717,000, produce $295,000, live-stock $233,000, population 2,930. Mono counted only 64 farms, value $389,000, produce $181,-000, live-stock $103,000, yet possessed a population of 7,500, although with an assessment of only $969,000 against $1,353,000 for Inyo. The Carson and Colorado R. R. helped to develop this county. The report of silver by emigrants passing through Inyo in 1850 led to several futile expeditions, and only with the opening of such mines in Nevada did real prospecting begin in this region. For accounts of early expeditions, settlement, and progress in the preceding counties of Fresno, Tulare, Kern, Mono, and Inyo, see *Inyo Independ.*, July 8, 1876; *Alta Cal.*, June 2, Oct. 3, 17, 1852; July 23, Aug. 8–10, Dec. 4, 1854; May 29, Oct. 2, 22, Dec. 12, 1859; *S. F. Herald*, Dec. 10, 1852; Aug. 8, Oct. 12, 1853; *Sac. Union*, *S. F. Bulletin*, *Bodie Standard*, March 1, 1879; *Benton Mess.*, March 22, 1879; *Independence Indep.*, July 12, Sept. 1, 1879; *Fresno Expos.*, Nov. 27, 1878; Jan. 1, July 30, Oct. 8, 1879; *Fresno Repub.*, Nov.–Dec. 1879; *Bakersfield Cal.*, June 8, 1876; June 22, 1878; *Kern Co. Register*, 1880; *Fresno Co. Circular*, 1882; *Hist. Fresno Co.*, *Id.*, *Kern*, passim; *McDaniel's Early Days*, MS., 26; *Barton's Hist. Tulare*, MS., 3 et seq.; *Cal. Statutes*, 1852, 312; 1855, 203; 1856, 183; 1858, 36; 1861, 235, 566; 1863–4, 528–6; 1865, 355, 796, 863; 1871–2, 891, 1005–8; *Hittell's Codes*, ii. 1739, 1756, 1765, 1782, 1851

The forbidding features of these transmountain counties extend to the Lower California frontier, over the greater part of San Bernardino and San Diego counties, marked especially by sinks and deserts. The moisture-laden winds of the ocean are cut off by the intervening ranges to enrich the western slopes, and to assist in making them a semi-tropic paradise, the home of the orange, the olive, and the vine, with the balmiest of climes. Here the first settlements were made by the Mexican inwanderers of a century ago, who

huddled round the coast-line missions, which strove for the submission rather than the elevation of the aborigines. The neglect and usurpation of these establishments was followed by the entry of the Anglo-Saxons, who, while absorbing most of the land and holdings, applied a more energetic spirit toward the unfolding of hitherto slumbering resources, in agriculture, mines, and manufacture. The Hispano-Californians had been indolently content to yield all this beautiful region to browsing herds, roaming and increasing at will; but the new-comers gradually drove the sheep and cattle to the hills, and extended the petty beginnings in horticulture, farming, and irrigation to waving fields, lustrous orchards, and vineyards, with widely radiating canals. They studded with oases the unpromising deserts toward the Colorado, and held forth the prospect of reclaiming large tracts. This reclamation was initiated in one direction by the railroad and other lines of traffic, whose stations, with attendant wells and garden patches, demonstrated the transformability of these solitudes. Mining aided somewhat in the same direction, by calling attention, for instance, to the north-eastern part of San Bernardino, and by opening several valleys and districts in the ranges, as Julian and Banner in San Diego, both with villages, and Stonewall south of them, which produced nearly $400,000. San Bernardino revealed tin at Temescal, and a little gold in Holcombe and Bear valleys. Then there is Silverado in Los Angeles county, with several silver mines, besides the gold, silver, copper, and coal deposits in different valleys and on Sta Catalina Island, and the oil wells of Newhall.

Great changes also took place in the urban settlements. Increased wealth, population, and traffic have called up a number of stations along the highways and railroads, and shipping places along the coast, supplemented by bathing and wintering resorts, while effecting many changes in the old towns, wherein the low and oblong, though dazzling white and solid, adobe dwellings of Mexican days and occupants stand eclipsed by the more elegant and airy frame buildings of the new era. Old San Diego, the first of California foundations, declined into a dismal hamlet, presently to smile again under the overshadowing influence of New San Diego, which from among the numerous town projects dotting the bay sprang into prominence after 1867, to become the county seat and port of entry, with brilliant prospects based on a wonderful climate for health and pleasure, on the development of field products from lands long dormant and deemed worthless, and on the command of the only good harbor of southern California. In the north, San Luis Rey, the former mission, with a station at Pala, continued a tributary trading post, with flour mill. Temecula became the prominent station beyond. Oceanside was established as a resort. San Diego county increased in population from 2,900 in 1852, whereof three fourths were Indians, to over 8,600 in 1880, with 696 farms; acreage 69,000, value $2,876,000, produce $395,000, live-stock $685,000, some of which items may be increased tenfold for 1888. San Bernardino, founded in 1851 by industrious Mormons as the earliest of modern California colonies, rose as the seat of the largest among the counties, and as the centre of its limited share in the narrow garden region on the coast. About 300 Mormons arrived here in June 1851, under the leadership of Lyman and Rich, intent partly on founding a

way-station for emigrants to Utah, by way of the Pacific. They bought the tract of Lugo, the owner of the abandoned mission, and paid for it within six years. The town laid out as their centre in 1851 prospered so well that it was chosen as the seat of government when the county was organized in 1853. Incorporation followed in 1854. The recall of the brethren in 1857-8 to Utah proved a blow, resulting in disincorporation in 1861, followed by a fresh charter in 1864. Then it revived, and the population of 1,670 in 1880 grew rapidly. *Alta Cal.*, Oct. 31, 1851; June 15, July 29, Sept. 19, Oct. 25, 1852; *Millennial Star*, xiv. 491; *Frazer's S. Bern.*, MS., 25-6; *S. Bern. Times*, July 8, 1876; *Hist. S. Bern. Co.*, 84-5, 122-3; *Mormon Politics*, 1-8; *Hayes' Indians*, i. 68; *Id.*, *S. Bern.*, i. passim; *Dean's Stat.*, MS., 12; *Vischer's Cal.*, 73-4; *Pratt's Autobiog.*, 457-65; *Cal. Statutes*, 1854, 61; 1861, 508; 1863, 36; 1863-4, 68-70; *Codman's Trip*, 56-8. The mission, five miles away, was converted into an orange grove. Agua Mansa is the relic of a New Mexican colony of 1842, and Riverside, one of the flourishing efforts of Anglo-Saxon colonization, soon became famed for its fruit. The latter was founded in 1870; name changed from Jurupa. Etivanda, Redlands, and Ontario are among the newer colonies which have helped to increase the population of the county from 3,990 in 1870 to 7,790 in 1880, with over 700 farms, limited to an acreage of 53,000, but valued at $3,346,000, produce $430,000, live-stock $397,000. Its earliest resources are included under Los Angeles, from which it was segregated. Agua Manse was devastated by a flood in 1862. *Bell's Remin.*, MS., 14. Colton, as a railroad junction, marks the promising entrepôt.

The radiating point for southern California since Spanish times is Los Angeles, whose prominence stood assured from the first by the fertile lands around, presently covered by orange groves and gardens, and whose not very laudable ambition has long been to become the seat of a new state. The removal of the capital in 1847 to Monterey, the original seat of government, was a check to these pretensions, which seemed to have left its spell for some years. Nevertheless the city was incorporated in 1850, and claimed in 1851 a population of 2,500. The increase during the following two decades was little more than double, but later the influx of Americans assumed large proportions, promoted by the expanding fruit culture of the south, and the attendant railroad discrimination, until the census figure of 11,180 for 1880 has been greatly surpassed. *Cal. Statutes*, 1850, 155; 1856, 31; *Cassin's Stat.*, MS., 18; *Los Ang. Directories; Id.*, *Arch.*, iii. 391, etc.; *Id.*, *Hist.*, passim; *Id.*, *Co.*, 106-29; *McPherson's Los Ang.*, 42-7, 71; *Hawley's Los Ang.*, 97 et seq.; *Los Ang. Ordin.*, 1-39; *Hayes' Angeles*, i.-xviii., passim; *Id.*, *So. Cal. Polit.*, i.-ii.; scattered notices in local journals, *News*, *Exchange*, *Repub.*, *Star*, *Herald*, and *Express*.

Two roadsteads, both connected by railroads, present outlets for its traffic, one at Santa Monica, known chiefly as a bathing resort, the other at ancient San Pedro, supplanted by the modern Wilmington, which, with breakwaters and other improvements, endeavors to supply nature's omissions. A good wharf was constructed, and a town laid out by Gen. Banning in 1858. *Alta Cal.*, Oct. 8, 1858. It boasted a newspaper in 1864, and was incorporated in 1872. *Cal. Statutes*, 1871-2, 87, 108-16, 1049; *Banning's*

Settl. of Wilm., MS., 5 et seq.; *Hayes' Wilmington*, 1-184; *Id.*, *Ang.*, v. 313 et seq. Santa Monica, established in 1855, properly adjoins the younger trading town of Santa Monica, founded in 1875 by Senator Jones, with a flourishing start. *Sta Monica, The Coming City*, 1-12; *Hinton's Ariz.*, 19-22. The destruction of the wharf and railroad intrigues reduced the population fully one half by 1880, but again it lifted its head.

Below lies Anaheim landing, the shipping place for Anaheim, a leading town in the county, which forms a signal illustration of successful colonizing on coöperative principles, the forerunner of many similar projects, suggested no doubt by San Bernardino. A company of Germans, chiefly mechanics of S. F., subscribed in 1857 to lay out a tract of 1,263 acres in vineyards, with irrigation, fencing, and town lots. The name is a compound of heim, home, and Ana, taken from the adjoining river. At the end of three years most of the founders came down to take possession, and with mutual aid a village sprang into existence. Hardly one of them had any experience in viniculture, yet the colony prospered, and within a few years each 20-acre lot, with town site, costing the owner on an average less than $1,500, had risen in value to $5,000 and $10,000. Nordhoff gives an interesting account of the colony in his *Commun. Soc.*, 361-6; *Anaheim Hist.; Alta Cal.*, Oct. 23, Dec. 14, 1859 The first house was built by B. Dreyfus in 1857. The town was incorporated in 1870 with a population of 880, *Cal. Statutes*, 1869-70, 66, 1871-2, 273-4, and disincorporated in 1872. *Anaheim Gaz.*, 1879; and preceding general references. Other villages are Downey City, formerly Los Nietos, which absorbed Gallatin and College Settlement, and centre of the oil business, the ancient San Gabriel mission, the Pasadena colony of 1873, the Pomona of 1875, Artesia of 1869, Westminster of 1871, Tustin, and Compton. Santa Ana, another rising settlement, was laid out by W. H. Spurgeon in 1869; claimed in 1880 a population of over 1,000, and sustained two journals. The old mission of San Juan Capistrano revived. The large islands supplement the ranges for sheep pastures. The prominence of stock-raising in early days is shown in my preceding vols. The census of 1850 gives Los Angeles county 100,000 head, and an improved acreage of only 2,650. That of 1880 places the stock at about the same value, but the farms numbered 1,940, valued at $12,099,000, with $1,865,000 in produce, population 33,380. The mountainous Santa Bárbara encloses several small but alluring valleys, with a climate that attracts large numbers of health as well as home seekers, and has raised ancient Santa Bárbara city to the foremost rank of resorts. It was incorporated in 1850, etc., *Cal. Statutes*, 1850, 172, 1861, 502, 1873-4, 330, though termed a ciudad long before. *Sta B. Arch.*, viii. 200; *Vischer's Pict. Cal.*, 41-2, with view; *Sta B. Index*, *Id.*, *Press*, 1876, etc.; *Hayes' Mont.*, et seq. Its first journal dates from 1854. Improvements of the harbor occupy much attention. Population 3,460 by 1880. The adjoining mission is sustained as a college, and Montecito to the east is famed for its large grape vines and almonds. In Santa Inez valley the Lompoc colony flourishes as a champion of temperance. This place was laid out in 1874 and obtained a journal in 1875. The colony projects of the Lompoc Company proved a failure, but the original owners pushed them, and the place claimed a population in 1885 of 200 families in the colony. *Lompoc Record*, June 5-19, Sept. 11, 1880; *Sta B. Press*,

Apr. 1, 1876. In Santa María the towns of Guadalupe and Central City strove for the supremacy. They were founded in 1872 and 1875, respectively. The obliteration of La Graciosa, dating from 1868, flourished in 1877; but the land title being confirmed to H. M. Newhall, it faded away. It points out one phase of the land-grant troubles, which have retarded settlement and caused much crime and bloodshed—instance the robber bands under Sol. Pico and Powers, and the Vidal fight. The drought of 1863–4 inflicted a severe blow by destroying nearly all the cattle while directing attention to horticulture and irrigation. In 1872 the eastern section separated to form Ventura county, with the seat of government at the mission of San Buenaventura, which was laid out as a town. J. Arnay sought in 1848 to found a city near the mission, but it languished till Waterman, Vassault, & Co., who then controlled the land, made a survey in 1862, and gave so successful an impulse that incorporation followed soon after. *Cal. Statutes*, 1865–6, 216; 1873–4, 54; 875–6, 534; *Ventura Signal*, July 8, 1876, a journal started in 1871. The destruction of the wharf in 1877 proved a check on progress. Population 1,370 in 1880. A promising shipping point at Hueneme was established in 1870 by T. R. Bard, and marked by wharf and lighthouse. Population 166 in 1880. The name is Indian. A rising valley town was Santa Paula, where a flour-mill was founded in 1870 by Blanchard and Bradley, and the town in 1875. Nordhoff is a health resort in the Ojai Valley. Near by are promising oil deposits. The census of 1880 assigns the county a population of 5,070, with 573 farms, value $2,734,000, produce $649,000, live-stock $535,000, while Sta Bárbara retained a population of 9,500, with 713 farms of double area, though valued at only $3,471,000, produce $746,000, live-stock $759,000.

In San Luis Obispo, whose rocky barriers turned the main route of land traffic, the early mission influence lingers in many of the settlements, by virtue of restricted choice of sites, and in the later county, San Luis Obispo town blossomed into its administration seat. Although existing as a village, it was surveyed for a town site in 1850, incorporated in 1856, and disincorporated. *Cal. Statutes*, 1856, 30; 1858, 396; 1863, 293; 1871–2, 220, 434; 1875–6, 361, 382; 1883, 390; *Cooper's S. L. Ob.*, 12–36; *Avila, Doc.*, 25 et seq.; *S. L. Ob. Arch.*, 2, etc. Population 2,240 in 1880. Port Harford is its landing for the petty settlements to which this hilly district is so far restricted, with dairy and stock-raising as the predominating industries. In rank second to S. L. Obispo stands Cambria, which originated during the copper excitement of 1863, assisted by quicksilver in 1871, and by saw-mills. San Simeon, a whaling station, shares with Leffingwell's wharf in its shipments. Cayucos and Arroyo Grande are other landing-places. San Miguel mission lingers a mere hamlet; El Paso de Robles is famed for its medicinal springs. The county has increased in population from 500 in 1852 to 1,780 in 1860, and 9,150 in 1880, with 832 farms, value $4,430,000, produce $925,000, live-stock $1,139,000.

Monterey has undergone greater changes. The fertile valley of Salinas became a prominent wheat-producing section, centring in the town of Salinas, which sprang up to take in 1872 the county seat from the Mexican capital on

the bay, leaving it to decline into a mere seaside resort and petty shipping-point.

A wayside hotel was opened at Salinas in 1856 by E. Howe, a hamlet sprang up, and in 1867 Ricker, Jackson, and Sherwood laid it out as a central town, which was incorporated in 1874. *Cal. Statutes*, 1873-4, 242, 820; 1875-6, 94, 545; *Salinas Index*, May 1872 et seq.; *Butler's Mont.*, 24. As the county seat prior to 1872, Monterey held its own for a long time, with incorporated title. *Cal. Statutes*, 1850, 131; 1851, 367; 1853, 159. Its history is minutely recorded in *Hayes' Monterey*, passim; also *Walton's Monterey; Roach's Stat.*, MS.; *Mont. Arch.*, v.-xii.; *Ashley's Doc.; Avila, Doc.*

The railroads have revived a number of stations, such as Pajaro and Castroville in the north, the latter founded in 1864 by J. B. Castro, and securing a journal and large tributary population. Moss' Landing assists as a near shipping-point to sustain it. Pájaro is derived from Rio Pájaro, bird river. Then there are Gonzales and Soledad, the ancient mission, to the south. *Gonzales' Stat.*, MS., 5-7, named after this writer's family. Beyond the Gavilan range lay another fine valley, whose rapid development led in 1872 to the formation of San Benito county, with the seat of government at the recently founded Hollister, which quickly overshadowed San Juan Bautista, supreme since Mexican times. Hollister was named after the prominent pioneer of the valley, who had built the first house on this site in 1862. It was laid out in 1868 by the S. Justo Homestead Assoc., and stimulated by the railway. Population 1,030 by 1880; J. Watson was the first settler near the site, in 1854. *Cal. Statutes*, 1873-4, 675, 840, refers to its incorporation. San Juan Bautista changed from mission to pueblo during Mexican rule. Yet it still figured with a population of 480 in 1880. Tres Pinos is one of the stations. The population of the county was 5,580 according to the census of 1880, with 593 farms, acreage 365,000, value $3,346,000, produce $430,000, live-stock $397,-000. Monterey stood assigned a population of 11,300, with 834 farms of less extent, value $6,863,000, produce $1,784,000, stock $1,031,000. In 1850 its improved acreage stood at 13,700.

Still richer was the valley of Santa Clara, which ranked next to Los Angeles in early days for density of settlements. Its centre has remained at San José, for a while the capital of the state, and now a busy yet homelike garden city of centennial dignity. It was incorporated in 1850, and reincorporated. *Cal. Statutes*, 1850, 479; 1857, 113; 1871-2, 333; 1873-4, 345, 727, 764. Comments on its selection for the capital city, in *S. F. Herald*, Feb. 4, 1851; *Alta Cal.*, Dec. 24, 1850; *S. F. Picayune*, Sept. 28, 1850; *Cal. Courier.* The loss of this preëminence checked progress, yet its centennial was celebrated under glorious auspices in 1877. For special and full descriptions, I refer to *S. José Arch., L. Pap.*, passim; *Hall's Hist. S. José, Stat.*, MS., by Belden, the first mayor; *Fernandez, Doc.*, MS., 6 et seq.; and *S. J. Pioneer*, as the most historic among its journals. The former Mexican predomination here has declined to a small section. Population 12,570 by 1880. The mission by its side has nobly maintained its course, now as the college town of Santa Clara and suburb of San José, with a share in its trade, and with incorporation honors. *Cal. Statutes*, 1871-2, 251; 1856, 79; population over 2,400

in 1880. Gilroy ranks next at the head of the valley, assisted by its springs, by railroad traffic, and by tobacco manufacture and mills. The first hamlet here was San Isidro, named after the rancho of Ortega, into which family that early Scotch pioneer Gilroy, or Cameron, married. It gradually came to be known after this settler, but in time settlement shifted over round the inn established two miles off by J. Houck in 1850. This was formally laid out in 1868 by Huber, and incorporated in 1870. *Cal. Statutes*, 1869–70, 263; 1871–2, 1006. Gas followed in 1871; population 1,620 in 1880. *Gilroy Advocate*, Sept.–Oct. 1879. The *S. F. Times* of Nov. 11, 1867, speaks of its prospects. Where the water-power of the creek led J. A. Forbes in 1850 to build a flour-mill, Los Gatos was established. In 1863 a lumber-yard was added. The arrival of the railroad in 1877 gave it an impulse which viniculture has affirmed. Near by lie the Saratoga paper-mills and springs. Alviso, once an important shipping-point for the valley, was pushed aside by the railroads. It was laid out in 1849, with a great flourish, having projects for docks, etc., by J. D. Hoppe, P. Burnett, and C. Marvin, and named after the Mexican land-owner there. *Buffum's Six Mo.*, 154; *Colton's Three Years*, 418; *Alta Cal.*, Dec. 15, 1849; *Pac. News*, Dec. 25, 1849. Wharves and warehouses appeared, and incorporation in 1852. *Cal. Statutes*, 1852, 222. Swamp-land titles gave trouble. It retained sufficient trade to figure as a village. On either side are the stations Mayfield, Mountain View, and Milpitas. The quicksilver mines of New Almaden, the most productive in the world, sustain a large village. For 1865 the yield rose to 47,194 flasks. Later it was little over 20,000. The county ranks among the leading agricultural districts, with 1,492 farms, according to the census of 1880, covering 257,000 acres, value $15,320,000, produce $2,157,000, live-stock $968,000; population 35,000, against 11,900 in 1860. In 1852 it raised 570,000 bushels of grain, and 656,000 bushels of potatoes.

The adjoining Santa Cruz presents a contrast in resources, with its vast forests of redwood and water-power along different streams, which fostered mills and factories, and for a long time placed the county next to San Francisco as a manufacturing field. Saw-mills, tanneries, ship-yards, foundries, existed on a certain scale prior to 1849, and powder-works and lime-kilns were added, together with some mining. The census of 1850 assigned it an improved acreage of 2,045. By 1880 the population had increased from 1,220 to 12,800, with 584 smaller farms, value $3,848,000, produce $726,000, live-stock $264,000. A commodious position at the mouth of San Lorenzo Creek assisted Santa Cruz, the city of terraces, to remain the leading town and seat, sustained greatly as the nearest seaside resort for the bay dwellers. Branciforte, the earlier real town, was merged in Sta Cruz, the mission settlement before the conquest, although the legislature of 1850 considered this same point. *Cal. Jour. Ho.*, 1850, 1336. Population 3,900 by 1880. A similar control of water-power and resources made Soquel a prosperous manufacturing place, while the valley of Pájaro lifted Watsonville to the second rank. It was laid out in 1852 by J. H. Watson and D. S. Gregory. Clouded title for a time checked progress, but this being settled, it advanced, was incorporated in 1868, *Cal. Statutes*, 1867–8, 688, obtained gas and water works, and by 1880 a population of 1,800. *Watsonville Direct.*, 1873, 5–24, and later. Felton has saw-mills and lime-kilns.

The development of San Mateo county is greatly due to its proximity to the metropolis, to which it once pertained, as the source for supplies and site for country residences and resorts. Upon its segregation in 1856, the seat of government was assigned to Belmont—where Angelo's hotel formed the initial settlement in 1850–1, and speedily made it the resort for which it is now chiefly famed—but was transferred the same year to Redwood City, whose valuable timber land and water route to the bay obtained for it a predominance which the rival town of San Mateo sought in vain to overcome, like the still less unsuccessful Menlo Park and Ravenswood. On the coast is a farming district supporting two small towns. Capt. A. Smith built the first house at Redwood City; ship-building began the same year, and a squatter raid upon Las Pulgas rancho in 1852 brought population, for which W. Shaw opened the first store. Road traffic started wagon-making; mills and tanneries followed. In 1854 it was laid out by J. M. Mezes and named after him, but the familiar appellation Redwood prevailed, and was affirmed by the charter of 1867. *Cal. Statutes*, 1867–8, 411; 1873–4, 946; *Redwood Times*, Jan.–March 1879, etc. Population 1,380 in 1880. San Mateo was founded properly in 1863 as a railroad station for the many residents who had their villas there, and was of steady growth, partly as a way-station for Pescadero. In 1874 it was chosen as county seat, but by arbitration the dignity was retained for Redwood. Menlo Park was incorporated in 1874. Ravenswood was founded in 1853 as a shipping-point, but dropped down to a brick-yard. Pescadero, a popular resort, signifies fishing-place; Spanishtown was of gradual growth. The population of the county increased from 3,200 in 1860 to 8,670 in 1880; possessing 669 farms, valued at $7,916,000; produce $716,000; live-stock $511,000. The saw-mill industry was started by C. Brown just prior to the gold excitement.

Alameda ranked in the last census as the most productive agricultural county on the coast, yet it owes much to its position on the bay, and Oakland, the official head, is practically a residence suburb of San Francisco, fitly the consort with balmier air and beauty, and with thriving educational establishments. When the county was organized in 1853, Alvarado became the seat of government as the most central among available settlements, and with a good shipping-place, to which San José mission and other points were tributary. *Cal. Statutes*, 1853, 319; *Id., Jour. Ass.*, 1853, 692, 699. But political influence gained the privilege soon after for San Leandro, a town with similar advantages, but more attractive in site and appearance, which had to surrender it 20 years later to its powerful neighbor. It was laid out in 1851 as New Haven, by H. C. Smith, who as assemblyman manœuvred the creation of the county and the seat, allowing the lieutenant-governor to rename the place in honor of the Mexican ex-governor. It grew, embraced Union City, and became the chief town of the southern section, with several factories. *Wash. Indep.*, Jan. 5, 1878. In 1850 San Leandro contained only the residence of J. J. Estudillo, the owner of the tract, and a school-house, but agriculture and river traffic gave it impulse. It gained the seat in 1854, but did not actually obtain it till 1856. It assumed incorporation honors in 1872, partly to strengthen itself against Oakland's struggle for the county seat. This dignity was lost, yet the town continues to prosper. *Cal. Statutes*, 1856,

26; 1871–2, 458; 1873–4, 63. Population 1,370 by 1880. *Contra Costa*, i. 17. A number of squatters on Estudillo's rancho gathered at San Lorenzo in 1852–3, forming the so-called Squatterville of the census report of 1852, and the manufacture of farming implements was started, with a few adjuncts in the shape of hotels and shops. W. Hayward settled at the place of that name in 1851, and soon engaged in store and hotel keeping. G. Castro, owner of S. Lorenzo grant, laid out the town in 1854, applying the name of his tract, which did not long prevail. The railroad gave it new life, and in 1876 it received a charter. It has two breweries. Population 1,230 in 1880. See *Grogan vs Haywards*. The adjoining San Lorenzo failed to grow, but Haywards, with its fine situation, rivals it, and in the south the railroads have lifted several stations to share the trade with earlier villages, as Niles, Suñol, Pleasanton, first called Alisal, and Washington Corners, the last the supply-place for San José mission. Newark overshadows Centreville. In the east Livermore holds the advantage. A. Ladd settled there in 1865, and built a hotel, which became the nucleus for Laddville; but the approach of the railroad caused W. Mendenhall to lay out Livermore half a mile westward, and this gained the supremacy and was incorporated in 1876. It was named after R. Livermore, owner of the grant, whose adobe dwelling stood a mile and a half northward. *Cal. Statutes*, 1875–6, 913. Population 850 by 1880. The population of the county increased from 8,930 in 1860 to 62,980 in 1880, with property assessed at $42,822,000, of which $19,527,000 represents the value of 1,520 farms, produce $2,385,000, live-stock $940,000. Salt-works, jute and cotton mills, and a sugar factory figure among the industries.

Beyond the range northward a number of small towns nestle in the valleys tributary to the bays of San Pablo and Suisun, beginning with Lafayette, of ante-aurum quietude, founded in 1847 by E. Brown, with the first grist-mill in the county, in 1853, followed by Walnut Creek, Danville, Concord, and other towns, and culminating in Martinez, which, disappointed in its aspirations like the opposite Benicia, had to rest content with the position of peaceful county seat for Contra Costa. It was laid out in 1849 by W. M. Smith, as agent for the Martinez family owning the grant. *Larkin's Doc.*, vii. 134; *Sac. Transcript*, Nov. 14, 1850. N. Hunsaker erected the first building, and T. A. Brown the first store. In 1850–1 the owner of the Welch rancho laid out a large addition to the prospective metropolis. After an attempt at incorporation in 1851 a charter was obtained in 1876. *Cal. Statutes*, 1875–6, 822. Warehouses and salmon canneries helped to sustain it. The entrepôt trade of the valleys was largely absorbed by different shipping points, as Point Pinole and Port Costa, a wheat-shipping place and ferry station for the railroad. Depth of shore water caused it to be selected. The ferry slip was completed in 1879, shipments beginning soon after. At Pinole and round the point are powder-works. The inland Pacheco, on Walnut Creek, with warehouses and flour-mill, was laid out in 1860 on the strength of existing warehouses and trade, and named after S. Pacheco. Antioch, the second town of the county, was the centre for the fertile San Joaquin district. It was first known as Smith's Landing, after J. H. and W. W. Smith, who settled there in 1849, and christened Antioch in 1851. In 1852–3 came brick-making and a store. It grew slowly till the coal developments gave it energy, and enabled it to

incorporate in 1872. Population 620 in 1880. Antioch had a share in the traffic of the coal-mining villages of Nortonville, Somersville, and Judsonville. The chief delivery stations for these important mines are, however, at Pittsburg and at New York, which was started with great flourish early in 1849 as a rival of San Francisco, but failed to rise above a hamlet. It has an interest in the fish canneries, which, with powder-works, figure among the supplementary industries of this coal and farming county. The census of 1852 ascribes to it 317,000 bushels of grain, 85,000 bushels of potatoes, and 51,000 head of stock. By 1880 the population had increased from 2,780 to 12,520, with 885 farms valued at $6,713,000, produce $1,377,000, stock $597,000. Pittsburg has been referred to as Black Diamond, which properly adjoins it. New York of the Pacific was laid out by Col Stevenson and W. C. Parker, and surveyed by Gen. Sherman. See his *Mem.*, i. 73-4; *Colton's Three Years*, 417; *Buffum's Six Mo.*, 150; *Taylor's Eldorado*, i. 217; ii. 48; *McCollum's Cal.* The latter two scout at its aspirations, yet *Cal. Courier*, Nov. 2, 1850, still assumes that it will become a port for S. Joaquin Valley. Members of the Kennebec Trading Co. settled here. *Boynton's Stat.*, MS., 1; *Hayes' Orig. Doc.*, 3-4; *Friend*, 1849, ii.; *Pico, Doc.*, i. 207. The Smith brothers built the first house, and a few more rose upon the numerous lots disposed of during the excitement started by the projectors. After 1850 it was recognized as a failure. Two canneries were established there.

CHAPTER XX.

MEXICAN LAND TITLES.

1851-1887.

The Colonization System—Land Grants by Spain and Mexico—Informalities of Title—Treaty Obligations of the United States—Effect of the Gold Discovery—The Squatters—Reports of Jones and Halleck—Discussions in Congress—Frémont, Benton, and Gwin—The Act of 1851—The Land Commission—Progress and Statistics of Litigation—Principles—Floating Grants—Surveys—Fraudulent Claims—Specimen Cases—Castillero—Frémont—Gomez—Limantour—Peralta—Santillan—Sutter—Vallejo—Mission Lands—Friars, Neophytes, and Church—Pico's Sales—Archbishop's Claim—Pueblo Lands—The Case of San Francisco—Statistics of 1880—More of Squatterism—Black and Jones—Attempts to Reopen Litigation—General Conclusions—The Act of 1851 Oppressive and Ruinous—What should have been Done.

The subject of Mexican land titles in California is one that with concise treatment might fill a volume. Any one of its dozen leading phases would require much more space than this chapter affords. Yet I give it all the space permitted by a symmetrical plan, taking into consideration its historical importance in comparison with other matters; and I try to present a comprehensive and satisfactory view.

The annals of colonization in California under Spanish and Mexican rule, with sufficient explanation of the land-grant system at successive periods, are given in earlier volumes.[1] At no time before 1846 had it

[1] For instruc. to Com. Rivera y Moncada in 1773 on distribution of lands, see i. 216, *Hist. Cal.*, this series; on pueblo founding, progress, and regulations down to 1800, i. 311-14, 336-8, 343-50, 388-9, 503-4, 564-72, 600-6; general remarks on tenure of lands, with names of early grants to 1800, i. 607-18, 661-3, 717; on ranchos of 1801-10, ii. 111-12, 146, 153, 170-3; on grants of 1811-20.

been so difficult for citizens to obtain farms as for the government to find settlers for its lands. The original Spanish occupation of 1769 was a colonization scheme, the presidio being a temporary device to protect settlements during the process of development, and the mission another expedient to fit the natives for settlers and citizens; ultimately, and soon as was vainly hoped, California was to be a country of towns and farms occupied by descendants of the soldiers, civilized Indians, and settlers of various races from abroad, the whole a community of tribute-paying, God-fearing, Spanish citizens. Three pueblos were founded as nuclei, and naturally for many years the only distribution of lands was in the form of town lots; but after 1786, if not before, the governor could grant ranchos. No such grants were made before 1800, though fifteen or twenty farms were occupied under provisional licenses. About a dozen more were occupied before 1822, the end of Spanish rule, some of them under formal grants; and in the first decade of Mexican independence the number was increased to about fifty in 1832. From the advent of Governor Figueroa in 1833, under the Mexican colonization law of 1824 and the reglamento of 1828, land grants numbered on an average fifty-three each year to 1846, when the total number was nearly 800.[2] It is to be noted also that most of the Spanish grants were renewed under Mexican forms, being in some instances conferred on the heirs of the original occupants.

ii. 353–4, 375, 383, 414–15, including decree of '13 on reduction of lands to private ownership; grants of '21–30, ii. 546–7, 565–6, 592–4, 612–16; gen. account to '30, with list of 50 ranchos, ii. 661–5; colonization law of '24 and reglamento of '28, ii. 515–16; iii. 34–5; grants of '31–40 in the 5 districts, iii. 611–12, 633–4, 655–6, 676–8, 711–13; grants of '41–5; iv. 620–1, 634–5, 642–3, 655–6, 670–4; grants of '46, v. 619, 627–8, 632, 637–8, 659–60, 665, 669, 675; also local annals of the 3 pueblos, passim. The references to i. 607–18 and ii. 661–5 are of chief importance for present purposes.

[2] These figures, taken after '22 from the Land Com. record in *Hoffman's Reports* of '62, are only approximately correct, as some of the larger ranchos were presented to the com. in several subdivisions. According to this list, the number of grants to 1800 was 13, and to '22 was 27, which figures amount to nothing, as most of the Spanish grants were renewed in Mex. times, and presented under the regrant, while others were subdivided; no. for '23–32, 11; '33, 25; '34, 33; '35, 31; '36, 37; '37, 27; '38, 43; '39, 59; '40, 37; '41, 61; '42, 51; '43, 64; '44, 122; '45, 68; '46, 87; no date, 20.

Under the Mexican law and *reglamento* any citizen, native or naturalized, might select a tract of unoccupied land and apply to the governor for a grant. His petition was generally accompanied by a rude map, or *diseno*, and was usually submitted by the governor to the alcalde or other local authority for investigation. The alcalde, after consulting other persons in case his own knowledge did not suffice, if he found the land vacant and no objection to the grant, returned a favorable *informe*, or report, on which the governor, if satisfied with the petitioner's qualifications—including citizenship, character, and ability to utilize the land—wrote on the margin, "Let the title issue," passing the papers to his secretary of state. The latter wrote a formal grant, with a *borrador*, or blotter copy, the former of which, when it had been signed by the governor and recorded in the *toma de razon*, or record book—sometimes by literal copy, sometimes by mere mention—was delivered to the grantee, who if he had not done so before took possession of his land. Meanwhile the petition, diseño, informes, and borrador were united into an *expediente* and deposited in the archives; and it was the duty of the governor to submit the grant to the assembly for approval, failing to receive which it must be referred to the government in Mexico. After approval the grantee presented his *título* to the alcalde, who proceeded to put him in juridical possession, the ceremony properly including a kind of survey and fixing of bounds. Only eleven square leagues could be granted to one man or one family,[3] most of the grants being

[3] Provision was also made for grants of larger tracts to *empresarios*, or persons contracting to establish a colony; which grants if for foreign colonies must be 10 l. from the coast and 20 l. from the frontier; but there were no such grants in Cal., except that to McNamara in '46. At times the petition for lands was made through the prefect or subprefect, and not directly to the gov. By a special order of '45 grants to foreigners—not empresarios—or the ports, like that to Smith at Bodega, must not be made without auth. from the Mex. govt. As the restriction of coast grants to colonies was not quite clear in the law, as the granting of mission lands was apparently forbidden, and as most of the Cal. grants were of coast or mission lands, the assembly in '40 by advice of the gov. voted to consult the sup. govt on these points, sending a list of grants already made. *Leg. Rec.*, iii. 90–2. But the

from one to five leagues; and the conditions of occupation with a certain amount of live-stock and of building on the land within a year were generally added to the grant.

In few if any cases were all these formalities complied with, for lands were plentiful and cheap, and the people and authorities indolent and careless of details. The main point was to get a título and to settle on the rancho. Quarrels and litigation were confined to a few boundary disputes with the missionaries or other neighbors, generally settled by arbitration. Sometimes there was no diseño, no informe of local officials, no approval by the assembly. Few cases were submitted to the national government. There was usually no formal act of juridical possession, often no survey, and never a careful or accurate one. Boundaries were very vaguely described, if at all. The grant was for so many leagues at a place indicated by name; or a certain area 'more or less' between defined natural bounds; or a fixed extent to be located within certain larger bounds, the surplus being reserved. There was no definitely prescribed form for grants, nor was there any uniformity of conditions, which were sometimes omitted.[4] Notwithstanding the apparent irregu-

govt never disapproved the grants, and there is no doubt that foreign or empresario grants and mission lands needed or occupied by Ind. or church were alone referred to in the restrictions.

[4] Besides the condition of occupation there was attached to many grants one forbidding sale or mortgage of the lands. This was sometimes insisted on by the Cal. govt in circular orders to local authorities; and in certain cases individual grantees were forbidden to sell; but while the authorities might interfere to protect family rights against the acts of an improvident grantee, there seems to have been no general idea that a grant with such conditions was invalidated by a sale. And failure to comply with the usual conditions of occupation, building, etc., seems practically to have invalidated the grant only in cases where abandoned lands were denounced and regranted to another party.

Sites needed by the government for fortifications or other public uses were reserved; and the territorial govt had originally no authority to grant coast islands, though such authority was given in '38. The gov. had no special authority to recompense public services with land grants or to sell public lands, though he did so; and indeed, the services might naturally serve as grounds of preference in making regular grants. The question whether he could thus exceed the 11 l. limit in payment for service or money for the government was never brought up during Mex. rule; Ind. were on the same footing as others, except that for lack of qualifications they like

larities and imperfections of land tenure, sometimes mentioned and deplored in official communications even to the extent of declaring the titles technically illegal, it seems clear that under Mexican law and usage the grants were practically held as valid; that is, that under continued Mexican rule the governor's written concessions duly recorded in the archives, not invalidated by regrant after abandonment or by direct act of the supreme government, would always have been respected as perfect titles of ownership; and it may be added that when by increase of population accurate surveys should have become necessary, such survey, notwithstanding the vagueness of original bounds, would have presented practically but slight difficulties. To the last, even when war with the United States was imminent, there was no discrimination against citizens of American birth; and there were no fraudulent grants, the only probable irregularities being the use of money in the last years to oil the machinery of government and overcome the Mexican tendency to delay, and the informal methods of Governor Micheltorena in purchasing support from Sutter and his men.

When the United States took possession in 1846, large portions of the best lands were found thus occupied by Mexican grantees. They were bound by the laws of civilization to say nothing of promises made by Larkin, Sloat, and other officials to protect all existing property rights; and the obligation was formally renewed by the treaty of 1848. That the obligation would be fulfilled in good faith, constant assurance was given during the interregnum of military rule by the governors in command, who, while permitting the distribution of town lots to go on as before under the municipal authorities, suspended all

others in like circumstances could get but small lots, and on account of their peculiar disposition they were usually debarred from selling. According to Larkin's corresp. and other authorities of '46, $1,000 per league was the maximum price obtained for land sold by private owners down to date.

granting of new ranchos, and wisely directed their efforts to a maintenance of the status quo and the temporary protection of prima facie land rights, without prejudice to any claimant, pending action by the national government.[5] For it was clear to all that such action was required. Under ordinary circumstances the treaty, so far as it related to property rights, would have executed itself; that is, the Mexican land titles if perfect would have been protected by the courts like other rights by ordinary methods. But it was known that the surveys at least were at loose ends, and believed that the titles were in other respects by American standards imperfect. To leave them to their fate before the tribunals would result in confiscation, not to be honorably countenanced by the government. Yet as to the nature of the action to be expected from congress there was much uncertainty in official circles, amounting to anxiety in the popular mind. The Californians tried to hope that their rights would be protected in a liberal spirit of equity, though what they knew or thought they knew of American methods was not reassuring. Newly arrived settlers hoped that some way, technically just, would be found to keep a large portion of the Californian acres from being monopolized under Mexican grants, real and pretended; for it was felt that opportunities for fraud were abundant.

The discovery of gold diverted attention for a time to other channels, but it brought to California a horde of treasure-seekers, whose presence in 1849–50 renewed and intensified a thousand-fold the interest in lands. In another respect the gold craze had a peculiar effect. The gold-hunters' ideas of land values rested for the most part on what they knew of lands at Sacramento and San Francisco; and for a time they were inclined to picture the whole extent of California as a succession of gold mines and great towns with

[5] See annals of this period in the last chapter of vol. v., *Hist. Cal.*, this series.

here and there a patch of farming land worth $1,000 per acre. Had it been realized that for many years agricultural land must be dear at government prices, the prevalent idea of Mexican grants would have been materially modified both at home and abroad. Well might it have been also in many respects, had the gold been found elsewhere, that in the absence of 'Sutterism' squatterism should have had no raison d'être at the start. Among the new-comers, besides the element utterly destitute of honorable principle, there was another and strong element, mainly from the western states and Oregon, of those strong in the faith that by the 'higher law' they were entitled to lands as free American citizens, to whom all that was Mexican was suspicious and mysterious, not to say diabolic; whose limit of generous equity would have been to permit the preëmption by a Mexican grantee of 160 acres adjoining his rancho buildings. Yet these elements could not of themselves control the masses; besides attacking the validity of Mexican law and Mexican titles in general, they had to rely or affect reliance on the plea that particular titles were fraudulent, or did not cover the land claimed; and even then, in the great test arising in connection with the squatter riots of 1850 at Sacramento, they were practically defeated in their extreme views by the good sense of the community.[6] This riot and other similar

[6] Nowhere has the spirit of the time, with the views actuating land-hungry American settlers, been so admirably presented as in Dr Royce's *Squatter Riot of '50* in the *Overland* of Sept. '85, and in the same author's *California*, where is clearly set forth the narrow and lucky escape of Cal. from the Scylla of a 'universal squatters' conspiracy' against Mex. titles, if only to fall into the Charybdis of 'legalized meanness' by which the titles were eventually 'settled.' 'The squatter wants to make out that Mex. land grants, or at the very least all in any wise imperfect or informal grants, have in some fashion lapsed with the conquest; and that in a proper legal sense the owners of these grants are no better than squatters themselves, unless congress shall do what they hope, and shall pass some act to give them back the land that they used to own before the conquest. The big Mex. grant was to them (the squatters) obviously an un-American institution, a creation of a benighted people. What was the good of the conquest if it did not make our enlightened Amer. ideas paramount in the country? Unless, then, congress, by some freak, should restore to these rapacious speculators their old benighted legal status, they would have no land. Meanwhile, of course, the settlers were to be as well off as the others. So their thoughts ran.'

developments receive attention elsewhere as part of the country's annals; here I but briefly outline the prevailing sentiment and uncertainty. It should be noted, however, that this spirit of squatterism by no means ended with the failure of its more radical methods, and the action of congress; but it extended throughout the whole period of litigation, having a most potent influence at the ballot-box, in juries, and through the press. Meanwhile speculators, and especially lawyers, looked with much complacency on the general prospect.

Before action was taken by the national government, and as a guide to such action, two important reports on Mexican land titles in California were obtained, which gave on the whole a clear idea of the subject, both containing in appendices translations of the most important laws. The first was that of Captain Halleck, dated March 1, 1849, a report which, while accurate and comprehensive in a general way, may be said to have magnified somewhat prospective difficulties, suggesting, whether intentionally or not, imperfections in most of the grants which might enable the government to defend itself by a cautious policy against a fraudulent monopoly of all the most valuable lands.[7] The second report was that of William Carey Jones, dated March 9, 1850, at Washington. Jones was sent by the secretary of the interior as a confidential agent to investigate the subject, and his stay in California was from September to December 1849. Being familiar with the Spanish language and legal usages, aided by the authorities, and having the bene-

[7] *Halleck's Report on Land Titles in Cal.*, in *U. S. Govt Doc.*, 31st Cong., 1st Sess., H. Ex. 17, p. 118–82. Sent by Gov. Mason to the adj.-gen. at Wash. April 13th. The report was devoted by instruc. to 3 topics: 1st, laws and regulations for granting public lands; 2d, the mission lands; and 3d, lands likely to be needed by the U. S. govt for fortifications, etc. The author's conclusions were, among others, that no grant within 10 l. of the coast was valid; that none was valid without approval of the assembly or sup. govt; that many antedated grants were believed to exist; that remaining mission lands not legally sold belonged to the govt; that grants to lands needed by govt at S. F. were probably spurious or invalid; and that Mex. orders to grant coast islands did not include 'bay' islands.

fit of Halleck's work, he prepared a report which was remarkably clear and complete as a general view. But his conclusions were much more reassuring than the purport of Halleck's—somewhat too reassuring for credence, or at least favor, in either Washington or California. While admitting the current belief and probability that fraudulent titles had been made since July 1846, he did not believe such to be many, extensive, or difficult to detect. He regarded the titles as for the most part perfect or equitable, that is, such as would have been fully respected under continued Mexican rule; and he advised that for the best interests of the United States and all classes of Californians, an authorized survey of the grants would be sufficient, the government reserving the right to take legal steps against suspicious titles.[8]

In July 1848 a bill was reported to the United States senate from the committee on public lands, coming up again for discussion at the next session in January 1849. To ascertain the claims and titles to lands in California and New Mexico this bill provided for the appointment of a surveyor-general, register of lands, and receiver, to act as a board of land commissioners, and to present for congress in 1851 a detailed report on all titles. Opposing this bill, Senator Benton offered a substitute providing for a recorder of land

[8] *Jones' Report on the Subject of Land Titles in Cal.*, Wash. (1850), 8vo, 60 p.; also in *U. S. Govt Doc.* The latter contained a list of all the grants of which Jones found record in the archives. 31st Cong., 2d Sess., Sen. no. 18. Preliminary corresp. of July '49 in *Cal. Mess. and Doc.*, '50, p. 112–18. The instruc. of the com. of the land-office required Jones to make minute investigations, including every title, etc., extending his research to N. Mex. and Mex.; but those of Sec. Ewing noted the probable impossibility of doing so much. Jones went overland to Mex. from Cal., and made some slight research there. He was later prominent as an attorney in many of the Cal. land cases. J. included in his report a mention of the archive records affecting land titles, a more complete statement appearing in 1 *Wallace*, 230, as follows: Expedientes numbered 1–579; many incomplete exped., maps, borradores, etc.; book of copied titles, '33–5; toma de razon, or record-book, 2 vols, '43–5; Jimeno Index (semi-official), '33–44; Hartnell Index (of titles in '47); book of marks and brands '28–9, containing mention of 20 or more early grants; journals of the assembly, '29–46; and miscel. doc. in official correspondence, etc.

titles and authorizing action by the district court—final for values of less than $5,000—against grants believed to be invalid. These bills being recommitted and put to rest, the matter did not come up again till September 1850, when the reports of Halleck and Jones had been received, and California had become a state. Then Senator Frémont introduced a bill—supported by nobody, opposed by Benton, and finally tabled—providing for a board of commissioners, with appeal, for the claimant only, to the district and supreme courts. Next in December 1850 Senator Gwin introduced a substitute for the Frémont bill, omitting the provision that the decision of commission and district court was to be final against the United States, and being in substance nearly identical with the bill finally passed; and in January 1851, after a discussion, during which Benton renewed his original substitute in amplified form, the bills were referred to the judiciary committee, which reported a new bill; and this with more or less amendment, after an earnest discussion, was finally passed on February 6th, by a large majority. There was no discussion in the house, where the bill was passed on March 3d and became a law.[9]

It is of course impossible to analyze here the bulky debates of the senate. Frémont, during his brief term, was in a sense the representative of the Mexican grantees; but Benton made himself their great champion, urging a speedy and liberal, not to say careless, confirmation of the claims. Most earnestly and even violently he protested from first to last against the plan of a commission as a violation of the spirit of the treaty, declaring repeatedly that to oblige the Californians to defend their titles before three tribunals would amount to confiscation instead of the promised protection. Doubtless, however, there was a feeling among senators that this Benton-

[9] See *Cong. Globe*, 1848–51, through index under 'California.' There are many references to this subject in these years in various govt reports and doc., but they simply show that all recognized the importance of some action, and that all favor a spirit of cautious justice in treating the Mex. titles.

Frémont-Jones combination might not be acting from disinterested motives. On the other hand, Gwin, mindful of the votes that had elected him, and might again be useful, represented the squatter element, the horde of landless new-comers, whose interests and rights must not be lost sight of. He argued plausibly and ably that the proposed plan was not an injustice to the Californians, because their titles, if legal, valid, and equitable, even if inchoate, were to be fully confirmed; that it could not be unconstitutional, because it had been the method adopted before, as in the Louisiana claims; that it was not a violation of the treaty, since it was adopted expressly to carry out the treaty; that protection by the courts was all that any American citizen could desire for his property, but that this plan provided a special tribunal and special rules of action for others, so that strict law might be tempered by equity in favor of these new citizens. He and all agreed that the treaty must be fulfilled in a spirit of liberal justice; but in so novel and complicated a case only the highest courts could determine what was just. Nothing was said by him or others in reply to the practical part of Benton's argument, that the claimants would lose their land in the process of defence; but it was perhaps thought that the same argument might apply to all systems of legal protection, or that if Californian estates were reduced in litigation from their magnificent proportions of some 50,000 acres each no great harm would be done.

I think it evident that in the minds of senators there was a strong undercurrent of feeling strikingly similar to that noted in California. The fever was raging in Washington as well as Sacramento. It was not of 500 or 1,000 rancheros, living on stock-farms owned by themselves and their fathers, and of little value by American standards, that the senate was thinking, but of a marvellous land of gold-mines, great towns, and limitless prospects; not of a quiet, pastoral

people, but of a horde of speculators, hungry for gold and power and land; not so much of the valid claims, as of the fraudulent ones; of the unknown, more than the known. All was mysterious; the McNamara bugaboo was buzzing in the senatorial ear; the Roman church might present a plausible claim for vast mission tracts; spider-like speculators had probably woven their webs over the spots where forts must be built; the mining region might be covered by diabolically contrived títulos; Frémont, Sutter, Vallejo, and Larkin might seize all that McNamara had left; British subjects might have the wires laid to secure as individuals what their nation had lost; American settlers and miners might find themselves without homes, the conquest practically annulled. The courts would decide wisely and fairly; nothing below the supreme court could be implicitly trusted in such an emergency; it was best to make haste slowly. All agreed that justice must be done; it would be time for generous liberality when the exact state of things should be known. Meanwhile, it was well to act with caution, reserving the various informalities of Mexican titles as weapons of defence that might be needed. The feeling was for the most part an honest one, and the resulting action consistent; of its other merits and its results I shall speak later.

The act of 1851, omitting details, provided for a board of three commissioners, with a secretary and law agent skilled in Spanish, to be appointed by the president for three years, and to hold sessions at places named by the president. To this board, duly authorized to administer oaths and take testimony, each claimant under a Spanish or Mexican title must, within two years, present his claim, with the documentary and other evidence on which he relied, it being the duty of the board to decide promptly on the validity of the claim, and to certify its decision to the district attorney. Either party might appeal to the dis-

trict court, which might take additional testimony, and from its decision to the supreme court. All the tribunals were to be governed in their decisions "by the treaty of Guadalupe Hidalgo, the law of nations, the laws, usages, and customs of the government from which the claim is derived, the principles of equity, and the decisions of the supreme court of the United States, so far as they are applicable." All lands for which the claims were rejected or not presented were to be regarded as part of the public domain; confirmed claims were to be surveyed by the surveyor-general, and on the presentment of his certificate and plat, a patent—conclusive only as against the United States, and not affecting the rights of third parties—would be issued from the general land-office; but the district judge might, on petition of a contesting claimant, grant an injunction to prevent the obtaining of a patent until there had passed sufficient time for deciding the controversy.[10] In the case of towns to which grants had been made, or standing on lands granted to an individual, the claim was to be presented, not by the lot-owner, but by the municipal authorities or the original grantee.[11] The provision on its face, in respect of both spirit and methods, was an excellent one.

The board was appointed from May to September 1851, organized at San Francisco in December, and opened its sessions for the presentment of claims in January 1852, two claims being presented the first day, but the first decision not being reached till August. With the exception of one brief term at Los Angeles in the autumn of 1852, the sessions were held at San Francisco until the final adjournment, on March 1, 1856, the time having been twice extended

[10] Later the survey itself might be brought into the district court, and its decision appealed to the supreme court.

[11] In *U. S. Stat. at Large*, iv. 631; *Dwinelle's Col. Hist.*, add. 203–6; also printed with extracts from the the treaty, instructions to the com., and regulations adopted in a separate pamphlet. *Cal. Com. for Settling Private Land Claims*, S. F., 1852. The salary of each com. was $6,000, of the sec. $4,000, and of each of five clerks $1,500. The sec. was allowed no fees, except for furnishing certified copies.

by congress. The commissioners, seven in number including all changes, were able and honest men, though knowing nothing of the Spanish language, and very little of Mexican law and customs.[12]

In September 1855 only three claims had been finally decided. Some general statistics for the first ten years, or down to 1862, are appended, by which it appears that of the 813 claims presented, 591 were finally confirmed and 203 rejected, 264 being finally settled by the board, 450 by the district court, and 99 by the supreme court.[13] So far as figures tell the

[12] The original board appointed by Pres. Fillmore was composed of Harry I. Thornton, James Wilson, and Hiland Hall. Wilson's appointment not being approved by the senate, he retired in Oct. '52. G. A. Henry was appointed in his place, but did not act. In March '53 Pres. Pierce appointed as a new board Alpheus Felch, Thompson Campbell, and R. A. Thompson, who took their seats in April. Campbell resigned in June '54 and was succeeded by S. B. Farwell. The secretary was J. B. Carr at first, but Geo. Fisher from Jan. '52 to the end. The U. S. law agent was Geo. W. Cooley to March '53, V. E. Howard to Jan. '54, and later John H. McKune. The asst law agent was Robt Greenhow from Aug. '52, and Lewis Blanding after G.'s death from June '54. The instruc. to the board issued Sept. 11, '51, by the com. of the gen. land-office contain nothing requiring special notice, unless it be that to require of the claimant a survey and map to accompany his claim, which was not, I think, in most cases insisted on. The original order had been to hold sessions also at Sta B. and Mont., but this was revoked; and an attempt in '54 to obtain another session at Los Ang., though backed by the Cal. legislature, was unsuccessful. Several men appointed as commissioners declined to serve on account of the low salary. The leading law firms employed by the claimants before the land com. in '52 were Halleck, Peachy, and Billings, about 80 cases; Clarke, Taylor, and Beckh, 40 cases; and Jones, Tompkins, and Strode, 25 cases.

[13] See, however, note 45; 258 cl. were presented by the end of May '52; 505 by the end of '52; 812 at the expiration of the two years March '53; and one by permission of congress in '54; total 813. Conf. by l. c. 521, rej. 273, discontinued 19; finally settled by l. c. 264, conf. 104, rej. 141. Claims appealed to d. c. 549, conf. 510, rej. 39; finally decided 486 (that is, in '62, but 36 cl. at least seem later to have been appealed of the 115 that in '62 had not been dismissed, hence the 450 of my text), conf. 452, rej. 39; no. of the l. c.'s decisions sustained by d. c. 446—or 412 conf. and 34 rej.; no. of ditto overruled 103—or 5 conf., 98 rej. Claims appealed to s. c., 63 (or 99 as above explained), of which 35 conf. and 28 rej.; no. of d. c.'s decisions sustained by s. c., 38—or 24 conf. and 4 rej.; overruled, 25—or 24 conf. and 1 rej. These figures are from the *Table of Land Cases* published as an appendix to *Hoffman's Reports* in '62. There are many errors in that list, and it does not of course show the later record of 36 claims (that is, the no. I have found in my incidental search of the decisions, but there were probably more) that came before the s. c., 18 of them being confirmed and 18 rejected.

The decisions of the land com. have never been printed, except a few incidentally in pamphlets and newspapers; and the same is true of the southern district court existing only in '55-66. The decisions of the northern d. c. in '53-8 by Judge Ogden Hoffman were published at S. F. '62 as *Hoffman's Reports*, i. Some later decisions in land cases are found in *McAllister's Reports* and *Sawyer's Reports;* and those of the s. c. in *U. S. Sup. Court Reports,*

story, the district court seems to have been more favorable to claimants than the board, overruling many more rejections than confirmations; but it should be noted that the court often heard new testimony by which the claimants strengthened their weak points. It is known that a few fraudulent claims were finally confirmed, and that a few good ones were rejected; yet there is no reason to doubt that the three tribunals performed their duties honestly and ably, whatever may be said of the system under which they had to work. In the matter of appeals and other details of legal method, slightly modified from time to time, there was some complaint of injustice; one of the southern judges and one or two representatives of the United States did not escape plausible charges of unworthy motives and conduct; and often there appears as in most litigation what seems to the unprofessional mind a strange preference for legal quibble where common sense would better serve the purpose; but respecting these points I have no space for discussion, nor am I perhaps a competent critic. The chief apparent injustice was in these respects: in obliging claimants to come with their witnesses at great expense from the extreme south to San Francisco; in the policy of the attorneys for the government who fought the claims over and over on petty technicalities which ought never to have figured except in a few test cases; in the frequent espousing by the United States of one weak claimant's cause to defeat a stronger one; and especially in the appealing of many cases as a mere formality to a higher tribunal.[14]

especially those of Howard and Wallace. A complete register of all the claims, somewhat on the plan of the Hoffman appendix, but more extensive, tracing each case through the board, both courts, and the final survey, would be a most desirable work.

[14] In *Hoffman's Reports* may be noticed many cases in which the judge says in substance: 'This case was conf. by the l. c.; no opposition is made here by the U. S.; it seems all right and is confirmed.' Meanwhile the poor ranchero was perhaps addressed by his lawyer somewhat like this: 'Your claim has been appealed; the U. S. are bent on defeating it; only by the most superhuman efforts can it be saved; yet give me more land and more cattle, and I will do my best'!

Obviously no annals of litigation nor even digest of principles adopted can find place here, but of the latter some of the more important and interesting may be noted. It took the commission and courts a long time to reduce the original system of grants to the simple basis presented earlier in this chapter, though Jones had embodied the correct idea in his report. Every petty irregularity was repeatedly insisted on by the government's attorneys, and generally had to be overruled more than once by each tribunal; but strict and technical ruling ultimately gave way for the most part to liberal and equitable principles, though not without dissent in high places.[15] A perfect title did not require presentment to the board, but if so presented must abide by the result. Inchoate titles, on the other hand, were forfeited by non-presentment.[16] July 7, 1846, was the date assigned as the end of Mexican rule, though the territorial authorities had not been overthrown or the capital taken till over a month later, and grants of later date were held to be invalid.[17] The board and United States courts re-

[15] Justice Daniels dissented from many of the early decisions of the s. c., favoring a strict ruling. He held that irregularities springing from the disorderly and revolutionary state of the country, and supported by doubtful testimony of a degraded and ignorant people, should not be countenanced by a mistaken idea of liberality, when a strict ruling would transfer the land from a few ignorant Mex. and unscrupulous monopolists to numerous intelligent settlers. 18 *Howard*, 550. Even the U. S. attorney proclaimed 'the constant policy of the U. S. not to interpose far-fetched or capricious objections against claims which seemed to be made in good faith for small quantities of land.' 1 *Black*, 267. Still, a license to occupy land followed by long occupation was not recog. by the U. S. as giving some an equitable title. The 10 l. coast limit and the lack of approval by the assemb. were favorite objections at first; also the lack of authority for granting lands, until overthrown by the decision that the acts of an official must be presumed to be legitimate, if not disputed by his own govt. 19 *Howard*, 343. Some points for which I have no room here may be found in the later list of specimen case.

[16] A perfect title was one fortified by juridical possession and survey. In one instance the grantee of 2 l. got formal possession of 6 l.; but after his claim to 2 l. was confirmed he tried to hold the whole on the ground of a perfect title. He was held to be bound by the decision of the court and the patent. 2 *Sawyer*, 527. Sometimes part of a grant was conf., while the rest became public land through non-presentment. 1 *Id.* 207.

[17] Two grants of later date were confirmed by the d. c., in one of which the issuance of the grant had been ordered before July 7th; and it was held that delay in the purely ministerial act of drawing up the title ought not to invalidate the claimant's rights. 1 *Hoff.* 279; but this was reversed by s. c. The declaration of the Mex. treaty com. that no grants had been made since

quired the claimant to show a prima facie title; but their decision was on the validity of the original grant, confirmation and title being final only as against the government, and the rights of third parties being left unprejudiced to be settled by the California courts.[18]

The district court often took new evidence, but the supreme court never; nor would the latter consider alleged frauds or irregularities in the acts of the former, of the commission, or of the surveyors. No phase of the whole matter gave rise to more complications than that of 'floating' grants, that is, grants of a given area within bounds including a greater area; and when there were two or more of these grants within the same greater bounds, the difficulties were not diminished. The grantee was entitled to locate his land as he pleased, and to hold the whole tract until final survey, except as against other grantees. But in the final survey he must select his land in compact form, and in the case of two grants the patent was final even if the later grant chanced to be the first patented. These floating grants afforded the strongest temptations for fraudulent surveys, and gave rise to the most

May 13th was often urged by the U. S., but was held not to affect grants actually made between that date and July 7th. 1 *Wallace*, 412. It was also argued that grants made after the war of conquest was begun were invalid; but it was held that the war was not avowedly waged for conquest, and if it had been there was no authority for the position that the title acquired by conquest 'relates back to the date of its inception.' 1 *Hoff.* 249.

[18] Cases before the Cal. s. c—about 60 of which have been examined for my purpose—were chiefly disputes between such parties respecting parts of Mex. grants. This court took no action on the validity of original grants or of acts of the l. c., d. c., and s. c., but dealt with boundary disputes, conflicting claims, or temporary rights under inchoate titles. *Cal. Reports.* Sometimes two claims were presented for the same land under the same grant; but it was the duty of the l. c. to consolidate each cl.; and the courts refused to consider any 2d cl. except for new and decisive evidence in the case of a rejected claim. There were several such cases in connection with the Sutter grants, but individual claims had to abide by the general decision. 1 *Black*, 339; 2 *Id.* 610. The existence of rival claims enabled the U. S., as elsewhere remarked, to work against one title by espousing another. Pending the great litigation, rights under Mex. grants were (in theory at least) protected under Mex. law and equity; a prima facie title presented to the l. c. was good against all 3d parties till final rejection, and the title if finally confirmed related back to the date of filing the petition. 33 *Cal.* 448; 10 *Cal.* 88; 34 *Cal.* 253; 35 *Cal.* 85.

serious troubles with squatters.[19] The board rejected many claims for lack of definite location, but new testimony in the district court generally overcame this objection. Both the lower tribunals were disposed at first to require strict compliance with the condition of building and occupation within a year, but the supreme court took a liberal view of this matter, accepting as excuses Indian hostilities, political disturbances, and other obstacles; and no delay was fatal unless so unreasonable as to create a presumption that the grantee had abandoned his claim, and later tried to resume it on account of the increased value of land.[20] As to

[19] The theory seems to have been that just as the Mex. govt could go on making new grants so long as enough was left to satisfy the first grantee, he having the right to protest or to protect himself by selecting his land at any time, so the U. S. govt could go on surveying and patenting the later grants, especially as the courts had presumably considered the first grantee's claim, and as he had had the right to contest the survey. Prior occupation under a provisional license was deemed also to give the junior grantee the preference in selection. A grantee might, however, so definitely select his land by occupation as to estop his claim to any other location. The permission to select the location was deemed not an obligation but a concession on the part of the U. S. govt. The first grantee often got a later grant of the *sobrante*, or surplus, of the whole tract; and in such cases the courts did not require the same formalities as in an original grant. Dividing lines often settled by the grantees by arbitration or litigation were conf. by the courts. On floating grants, see 5 *Wallace*, 445; 13 *Cal.* 373, 478; 18 *Cal.* 535; 21 *Cal.* 552; 33 *Cal.* 102; 1 *Sawyer*, 553; 1 *Hoff.* 184, 204. The surplus was generally reserved for the govt in the grant. Another class of grants was those for a certain area, 'more or less,' within fixed bounds, the meaning being simply that the area was an estimate, though all was granted; and so it was confirmed by the courts where the estimate was within a fraction of a league; thus 2 l. 'poco mas ó menos' was good for anything up to 3 l. Sometimes, however, by clerical error, both the 'more or less' and the reserve of the surplus clauses were attached; but the latter was properly disregarded when the bounds were clear and the estimate tolerably accurate, otherwise the former.

[20] The failure to perform conditions in fact merely rendered the land subject to denouncement and regrant; it could be argued only by the granting power, not by adverse claimants; indeed it was a question whether any right of defeasance or forfeiture passed from Mex. to the U. S. The d. c. finally took so liberal a view on performance of conditions that some of its decisions were overruled. The condition forbidding alienation of a grant had no force under U. S. laws. 1 *Wallace*, 423; 1 *Hoff.* 145, 191; 5 *Cal.* 108; 10 *Cal.* 589; 13 *Cal.* 458.

Ignorance of the Span. language caused much confusion and many ludicrous blunders in the litigation, as did ignorance of Mex. customs. Halleck, *Land Titles*, 160, 140, says that not one in ten docs was correctly translated, only one judge and none of the com. understanding the language or laws; and he notes that one claim was registered by the l. c., because the grantee lived with his family in the pueblo, though this was encouraged and almost required by the Span. laws. As late as '62 *plantar bienes raices* is trans. 'plant trees.' 2 *Black*, 597. Throughout the Fossat case in the l. c., *un sitio de ganado mayor* is trans. 'a league of the larger size.' A decision of the Cal. s. c. was

evidence in support of a grant, the expediente and record from the archives were properly given chief importance; next coming the original grant and proof of occupation. It was not enough to prove the loss of archives that might have contained the record; but it must be shown that the record had existed. In the absence of archive evidence, other proofs must be exceptionally full and conclusive; and in resisting fraudulent claims the courts had to decide that "documentary evidence, no matter how formal and complete, or how well supported by the testimony of witnesses, will not suffice if it is obtained from private hands."[21] The most numerous and dangerous fraudulent claims were those resting on grants and other documents written after 1846, bearing the genuine signatures of governor and other officials, but antedated. It was not difficult to obtain parol testimony in support of such titles, but archive evidence was not easily forged. The methods in vogue with the courts under technical rules of evidence seem not to have been very well adapted to the detection of such frauds. Some of the cases are noted elsewhere.[22] The matter of surveys was one of the

reversed by itself because it had rested on a trans. of *vista la peticion, etc.*, as 'having seen the petition.' And many amusing instances might be given.

[21] 3 *Wallace*, 434; 1 *Black*, 227, 298; 1 *Hoff.* 170.

[22] In the 'crooked' cases, as in some of the straight ones, it is surprising how few witnesses were called, the most important not appearing. For instance, Pio Pico and his secretaries were but rarely called to prove their signatures, the testimony of some obscure countryman who had seen them write being deemed sufficient. Before the l. c. the claim was offered with a witness or two to prove occupation and signatures, the evidence being sometimes left intentionally weak on some point, as perhaps location, so that if possible the cl. might be rejected on that point alone, and not much attention be paid to others. Then before the l. c. new testimony was introd. to strengthen the weak point; one or two unimpeached witnesses were found in possession; and a confirmation sometimes obtained against the suspicions of the court. Finally on appeal to the s. c. the presumption that the gov. had properly attended to all preliminaries, etc., and the impossibility of considering objections not urged in the lower court were relied on. But this programme often failed, for the s. c. had a way, in suspicious cases, which it could not reject, of remanding them for a new trial; and few frauds could pass a second ordeal in the d. c. See 1 *Hoff.* 190; 1 *Wallace*, 326, 352, 400.

The title to minerals was not included in a Mex. grant; and as such a title on private land was unknown to the U. S. system, it became a puzzle what became of the title. It was finally held to belong practically to the grantee; for if it belonged to another there was no license for that other to enter private land to dig for gold. This was an important question settled in the Fremont case.

most complicated phases of the land litigation, one that lasted longest, that offered the greatest opportunities for fraud, and that presents the greatest difficulties to the investigator. At first, after final confirmation of a grant, a survey was made by the surveyor-general, or rather by one of his deputies, who had no instructions except to follow the calls of the grant, and whose judgment was often more or less influenced by the guidance of interested parties. On this survey the commissioner of the land-office at Washington, if he could see or be made to see no serious objection, issued the final patent. After 1860 the survey itself was submitted to the district court, whose decision could be appealed to the supreme court; but the courts confined themselves mainly to the approval or rejection of the survey as a whole, or to the correction of radical errors, still leaving much to the surveyor's discretion, and not closely criticising his use of that discretion. The change was necessary, but led to endless litigation, and to the ruin of such grantees as had saved a part of their lands in the earlier ordeals.[23]

With a view to illustrate as fully as possible the general course of the great litigation on Mexican titles, detailed annals of which cannot be presented in the space at my disposal, I have thought it best to append in fine type a list of specimen cases.[24] It in-

[23] Inaccurate surveys rej. by govt or refused by claimants; modifications or new surveys ordered and again rejected; technical blunders of officials allowing the reopening of cases; misunderstandings between the surv.-gen. and the land-office; successive acts of congress settling old difficulties and opening the door to new ones—it is beyond my province to go into details of this confusion. The survey was the only question in most of the later s. c. cases, and the court only decided whether the survey was in accord with the decree of the d. c. 5 *Wallace*, 827. The Rodriguez case presented perhaps as many difficulties as any. 1 *Id.* 582; see also 1 *Id.* 658; also a case in U. S. circuit court, 2 *Sawyer*, 493.

[24] Specimen cases alphabetically arranged by names of claimants. The numbers are those of the land commission, abbreviated l. c., the U. S. district court being abbrev. d. c., and supreme court, s. c.

Alviso, Cañada Verde, Sta Cruz, 359, conf. in all the courts on a permission to occupy of '38; favorable reports of local officials, with occupation and undisputed ownership from '40, though there was no grant. 23 *Howard*, 318.

Alviso, Rincon de los Esteros, Sta Clara, 278, conf. to children of grantee by a former wife. The widow's claim to ½ was not sustained by the

cludes examples of most classes of claims that were presented to the land commission and courts, showing

Cal. s. c., on the ground that a Mex. grant was a donation, and not part of the common property. 13 *Cal.* 458. There were other similar decisions.

Argüello, Pulgas, S. Mateo, 2, conf. by all 3 courts. This claim was on the grant of '35, not on that of about '24; but on the earlier grant and occupation the cl. sought to include the Cañada de Raimundo on the w. It was held, however, that the later grant was decisive on boundary, especially as the cañada had been granted to Coppinger in '40. (Greer—Cañada de R.—21, conf.) It was in this case that the l. c. adopted the regulation permitting adverse claimants to contest before the board the conf. of interfering claims, the decision being pub. as *Land Com. Organiz., Acts.*, etc., S. F., 1852. There was also pub. *Jones' Argument* for the cl. in this case, S. F., '53. In this early case was overruled by the U. S. s. c. the objection urged by the U. S. that a grant within 10 l. of the coast was illegal. 18 *Howard*, 539. In the survey the w. line of Pulgas was fixed at the w. base of the range of hills separating it from the cañada instead of the summit where it should have been; but the owners of the cañada found no remedy (26 *Cal.* 615), as the patent of Pulgas was held to be final. In '78 a bill was defeated in congress to allow the courts to investigate the surveyor's alleged fraud; but in '85 the efforts had not been abandoned.

Armijo, Tolenas, Solano, 26, conf. d. c. This was a floating grant of 3 l. in '40, conflicting in boundary with another of '42 (Ritchie, Suisun, 3). The later grant was first surveyed, and in the Cal. s. c. (13 *Cal.* 373) A.'s claim to certain land within the survey on the ground of prior grant and actual occupation was not sustained, the patent being final as held in many like cases. In the U. S. s. c. in '66 (5 *Wallace*, 444) A.'s claim as earlier grantee to locate his grant first was not allowed, but apparently on the ground of earlier possession by the later grantee under a provisional concession, and of a former settlement by arbitration.

Bernal, Rincon de las Salinas y Potrero Viejo, S. F., 30, conf. d. c. Against this claim there was made in behalf of the U. S. an earnest and unsuccessful effort by a mass of conflicting oral testimony to prove forgery or changes in some of the papers. 1 *Hoffman*, 50. My Library stands near the site of the old Bernal rancho house.

Berreyesa, Milpitas, Sta Clara, 757. This claim was founded on a permit by the alcalde of S. José in '34, and a diseño of '35 regarded as spurious by the l. c. which rejected the claim. In '65–77 the case was before the d. c. and s. c., and the claim was defeated, the victory of the settlers being celebrated in '77 by a barbecue. The real merits of this case are wrapped in mystery. In his *Relacion*, Antonio Berreyesa gives a sad account of how his father and brothers lost their land and were driven mad.

Berreyesa, Putas, Napa, 236, conf. on a grant of '43 to two brothers, by whom with parents and other brothers the rancho was occupied from '39. Heirs of the other brothers set up a claim on the ground that the grant was made with a view to common occupancy by the whole family, but were defeated. 21 *Cal.* 514. This may very likely have been one of the cases where a decision on legal technicalities is popularly regarded as oppressive, yet the justice of the decision is clear even to the unprofessional mind.

Bidwell, Arroyo Chico, Butte, 143, conf. by all the courts. Dickey, the grantee of '44, had a 'Sutter general title,' q. v., which was finally rejected; but he had also what was deemed a regular grant on which the cl. was conf. This gave rise to some criticism, as it was the only one of the general title grants conf., and on account of B.'s wealth and official standing; but the decision seems to have been a just one.

Bissell, Mare Isl., Solano, 307, conf. on a grant of '40–1 to Victor Castro. The U. S. later bought the isl. for a navy-yard, their title resting on a deed of '50 from Castro to Bissell. In '77 cl. under an earlier deed of C. to Bryant

the general principles on which decisions were based, and covering a variety of minor points not specified in

were trying in the d. c. to establish title; and even C. is said still to have regarded himself as owner.

Bolcof, Refugio, Sta Cruz, 214, conf. to sons of the grantee on a grant of '41 and patented. Majors' cl. to a part (no. 207) being rejected. But later it was proved that the grant had been to the Castro sisters, whose names had been erased fraudulently and B.'s substituted. Thereupon in '66-70 the claim of Majors, who had married one of the sisters, to ⅓ of the rancho was sustained in d. c. and s. c. (11 *Wallace*, 442). It was held that while former proceedings were final against the U. S., wrongs to 3d parties might be relieved by a court of equity.

Brown, Laguna de Santos Calle, Yolo, 70, rejected by l.c. and d. c. in '60. The grant of 11 l. by Pico, '45, to Prudon and Vaca was declared a forgery, like other papers; a permission to occupy by Vallejo, '45, invalid and prob. antedated, and the oral testimony perjury in part and suspicious throughout. This was a typical spurious claim in behalf of men who never occupied the land.

Cambuston, 11 l., in Butte, 511, conf. by l. c. on a grant of '46, depos. in the arch., '50, without other doc. proof, though there was some testimony of occupation in '47; conf. by d. c. somewhat doubtfully because the U. S. made no argument against it and because of the judge's unwillingness to disregard uncontradicted evidence (1 *Hoff.* 86). This was the first of the spurious claims before the s. c., where the chief argument in its support was the 'presumption' that Gov. Pico attended to all preliminaries, had full authority, and acted honestly. This was held invalid; a grant supported by no archive evid. must be strictly investigated. It was sent back that the cl. might have a chance to meet objections; since they might have been misled by the actions of the U. S. agent (20 *Howard*, 59); and was rej. in '59 by the d. c.

Carrillo, Sespe, Ventura, '49, conf. by l. c. for 6 l. on a grant of '33, but by the d. c. reduced to 2 l., 'seis' having been fraudulently substituted for 'dos' in the original papers. More, the owner, claiming to have bought 6 l. in good faith, tried by every means, fair and foul, as is alleged—including one or more 'crooked' surveys—to retain all or part of his rancho, and there was much litigation with settlers on the surplus govt lands. His final claim, that of being allowed to purchase the land excluded by his patent under the act of '66 was decided adversely in '77. More's murder is supposed to have been an outgrowth of this land affair.

Carpenter, Sta Gertrudis, Los Ang., 339, conf. on a grant of '34 to Josefa Cota de Nieto, as were all the divisions of the old Nieto tract, on grants of '34 (no. 351, 400, 402, 404, 459). The cl. of the Nietos, children of the grantee, resting on the original grant or concession of 1784, was rejected (no. 423). Manuel Nieto and his heirs, under Fages' permit, occupied the whole tract till '34, when it was divided among 2 sons and the widows of 2 others, the 4 getting grants from Gov. Figueroa, which were conf. as above. In '43, Josefa Cota, one of the widows, with auth. from the gov., sold Sta Gertrudis to Carpenter. Her children, failing before the l. c., applied later to the Cal. courts, claiming as heirs of Manuel, since, if Manuel had a title, their mother's sale was invalid. But the Cal. s. c. in '57-62 (7 *Cal.* 527, 21 *Cal.* 455), after several changes of opinion resulting from inaccurate translations, decided that Manuel had no grant, only a permit to occupy, and that Josefa, as grantee and owner, had made a legal sale.

Castillero, Sta Cruz Isl. (or Sta Catalina?), Sta B., 176, conf. by all the courts. This differed from the isl. grants to Osio and others finally rejected in being made under a special order of the Mex. govt in behalf of C., not requiring concurrence of the assemb., being duly recorded, and bearing all the indications of genuineness. 23 *Wallace*, 464.

the preceding pages of this chapter. The genuine claims, the validity of which was never questioned

Castillero, New Almaden, Sta Clara, 366; Fossat, Los Capitancillos, 340; Berreyesa, S. Vicente, 503. The 2 adjoining ranchos of Larios (Fossat cl.) and Berreyesa, in a cañada about 15 m. s. of S. José, were occupied from about '34, and granted in '42. In a range of low hills in the southern part of the cañada (the bound of the ranchos being the main Sierra farther s.), on one of the ranchos and near the partition line, was a mineral deposit known from early times, and in '45 denounced as a quicksilver mine by Castillero, who formed a comp. to work the mine, obtaining from the Mex. govt approval of his acts and an order for a grant of 2 l. of land. Forbes & Co. of Tepic, became chief owners, and before '52 the property had become of great value, and had already been the subject of much litigation. Before the l. c., d. c., and s. c. from '52, private litigation continuing unabated, was waged a great triangular fight—with the U. S. masquerading as one of the three contending interests—for the mine as a prize. The cl. of Fossat and Berreyesa, being of unquestionable genuineness, were finally conf. by '58, though restricted by strict rulings to narrower limits than ordinarily would have been accorded, and though a desperate effort was made to exclude the mine by identifying the low range of hills with the Sierra as the s. bound. Castillero's land cl. was rejected from the first, as there had been no grant, and as the land was already private property; but the mining cl. was conf. by l. c. and d. c. in '61. Of the equity of this cl. there could be no real question, and the d. c. disregarded the wholesale and absurd charges of forgery and perjury that were made; but the s. c. was so far influenced by these charges that—while not basing its decision on this ground—it felt justified in a strict ruling, and rejected the cl. on the ground that the alcalde had no jurisdiction in the denouncement of mines, and that other formalities had not been exactly complied with, etc. Three of the judges dissented from what was doubtless an unjust decision. This was in '62. Meanwhile, by official survey of '60, agreeing with the grants, the line between the ranchos had been so located as to leave the mine on the Fossat land, now the property of Laurencel & Edgerton. Now, the mining comp., having lost its claim, but controlling the Berreyesa rancho, made a final effort to overthrow the survey, and move the line westward sufficiently to include the mine. By what seems hardly more than plausible and ingenious special pleading, they succeeded before the d. c.; but the new survey was finally rejected, and the original conf. by the s. c. in '63, thus ending this famous case, of which but a faint idea has been given in this outline. Being defeated, the comp. in '64 sold the mine for $1,750,000 to a new comp. of N. Y. and Pa, which bought in the opposing interests, and down to '80 took out over $12,000,000 in quicksilver. Before the Amer. and Brit. claim com. at Geneva, '73–4, Barron, Forbes, & Co., as Brit. subjects, presented a cl. for $16,000,000 and interest, alleging that, by an unjust decision of the courts, under threats of eviction by a U. S. marshal, in time of war, when no help could be obtained from the home govt, they had been forced to sell their property for a nominal price. The cl. was unanimously disallowed. *U. S. Govt Doc.*, 1st Sess., 43d Cong., For. Rel., iii. 164–8.

Castro, Cañada de los Osos, Mont., 703, rejected by l. c. and not appealed, was a fraudulent grant of '44, by Micheltorena. It bore the forged seal of the Limantour papers, and L. was a witness to prove signatures.

Castro, S. Pablo, Contra Costa, 390, conf. to heirs of Fran. M. Castro on grants of '34, though the rancho had been occupied by the family long before. Litigation on this land still in progress in '85, has been one of the famous cases; but has resulted from complications subsequent to the conf. of '58, and not belonging here. See also life of C. in Pion. Reg.

Castro, Sobrante, Alam. and Contra Costa, 96, conf. for 11 l. on a grant of '41. The excitement of '78 et seq. about this rancho grew out of the fact that the grant was a 'surplus' of several others, and when the lines of these

except by interested attorneys, and which were finally confirmed, yet in connection with which, through the

others were fixed by final survey. Either the sobrante was much larger than supposed in '41 or '57, or else there was a ring of U. S. land surrounding it open to settlers.

Cervantes, Rosa Morada, Mont., 56, conf. by l. c., the decision being pub. in a separate pamphlet of '52. It was Hoffman's first case in the N. d. c., and was rejected because the grant of '36 had not been approved by the assembly, and because the grantee had not complied with the conditions of building within one year; but the overruling of this decision by the s. c.—its first case—produced a less strict ruling on these points in later cases. It was sent to the S. d. c., conf., and judgment affirmed by s. c. '55. 1 *Hoff* 9; 16 *Howard*, 619; 18 *Id.* 553. Jones' briefs before l. c. and s. c. were separately printed.

Cota, Rio de Sta Clara, Sta B., 225, rej. l. c. conf. d. c. '57 on grant of '36. A survey of '67 was rejected, and a new one made in '70. In '72 an attempt was made to overthrow the survey on a diseño from private hands, so as to include 17,000 acres held by settlers. This appears from an argument of J. F. Stuart in behalf of the settlers, Wash., '72. S., as was his custom, argued that the original conf. was wrong.

Dominguez, Prietos y Najalayegua, Sta B. This cl. was never presented to the l. c., though a genuine grant was made in '45; but it was confirmed by a special act of congress in '66, this action being procured largely by misrepresentation, and through sympathy for an old family owning the site of the famous 'big grape-vine.' The great struggle which made this one of the causes célebres was over the location, for which the only guide was the original diseño and oral testimony. The grant was apparently for a tract of little comparative value on the Sta Inés, north of the mountain range; but the scheme of the real claimants was to locate it south of the range so as to cover valuable lands adjoining or including the Sta B. pueblo lands. The plan was not finally successful, but for several years intense excitement prevailed among the Barbareños arrayed in two hostile parties. A good account is given in the *Sta. B. Co. Hist.*, 195–209, with copy of the diseño.

Enright, Sta Clara Co., 514, conf. by all the courts, though there was no grant, on a marginal decree of 'granted' on a favorable report of '45, supplemented with juridical possession and occupation.

Estudillo et al., S. Jacinto, 115–16, 263, conf. There were 2 ranchos and a sobrante of 5 l., 'more or less.' The latter was conf. for the full extent of 11 l. 1 *Wallace*, 311. Hayes, *Em. Notes*, 448–52, an attorney in the case, explains how, in '66 et seq., the owners, by crooked surveys of the 3 ranchos, succeeded in stretching the sobrante across 12 miles of intervening space so as to include the tin mines of Temescal!

Frémont, Mariposas, March 1st, conf. by l. c. and s. c. on a grant of 10 l. to J. B. Alvarado in '44. The d. c. rejected the cl. for non-fulfilment of the conditions of occupation, building, etc., as the grantee never saw the land, and it was not occupied till after the U. S. got Cal. True, the Ind. made occup. unsafe, but that was known when the conditions were inserted in the grant. The overruling of this decision by the s. c. established a very liberal rule for later cases in the matter of conditions; and in this case—the 3d decided by the s. c.—was definitely conceded the validity of inchoate equitable titles and of floating grants. 17 *Howard*, 542; 18 *Id.* 30; 1 *Hoff.* 20. In finally locating his floating grant, F. included several mines;. and in the ensuing troubles some lives were lost; but it was decided in '59 that the mineral title could belong to no other than the owner of the land. 14 *Cal.* 279, 380.

Fuentes, Potrero, Sta Clara, 496, rej. by all the courts. This was one of the most impudent claims that ever went beyond the l. c. It rested on a grant of '43, certif. of record by Jimeno (J. not being called to prove it), testimony of Man. Castro and Ábrego that the sign. seemed genuine, and testimony that records had been lost which might have contained something about this grant! 22 *Howard*, 443.

costs of a protracted litigation, the greatest wrong was done, figure somewhat less conspicuously in this

Galbraith, Bolsa de Tomales, Marin, 205, conf. by l. c. and d. c., because evidence making a prima facie cl. was not rebutted, though it was weak, and a date had been changed in the grant. It was sent back by the s. c., but finally conf. on new evidence. 22 *Howard*, 89.

Garcia, 9 l. in Mendocino, 113, rej. on a passport of '44 to go and select and occupy the land, which was done. A grant was asked for in '46, but never issued, though alcalde's reports were favorable. 1 *Hoff.* 157; 22 *Howard*, 274.

García, Nogales, S Bern., 383, conf. but no formal decree on survey entered in '59; therefore a rehearing was granted in '70. 1 *Sawyer*, 383. G.'s possession had not, however, been disturbed.

Gomez, Panocha Grande, Fresno, 569, rej. by l. c. on a petition, diseño, etc. of '44, with testimony on a grant that had been lost. From '51 the N. Idria Quicksilver Min. Co. was in possession of what was cl. to be part of Panocha. G.'s cl. was conf. in the d. c. '59, by consent of the U. S. district attorney, Pacificas Ord, who was owner of half the cl. Then Wm McGarrahan bought the other half from Gomez, and a survey of '62 was made to include the N. Idria mine. But the cl. was brought before the s. c. and rejected in '65 as invalid if not fraudulent; for there were two theories, one that G. really took the first steps to secure a grant from Gov. Micheltorena, his friend, and the other that all the papers were forgeries supported by perjury. McG., however, claiming to have bought in good faith after a supposed confirmation, claimed under the act of '66 a right to purchase the land, but was successfully opposed by the N. Idria comp. He got from a Wash. court an order, directing the sec. of the interior to issue a patent, but this was reversed by the s. c. in '69. All phases of this famous 'McGarrahan claim' are involved in a mysterious and hopelessly entangled maze of legal technicalities and legerdemain. I cannot attempt to follow the case here, nor have I any opinion to express as to its merits. 23 *Howard*, 326; 1 *Wallace*, 690; 3 *Id.* 752; 9 *Id.*, 298; *Gomez, Lo Que Sabe*, MS., 226–43; *Harte's Story of a Mine;* and no end of special pamphlets, some of which are collected in *McGarrahan, Memorial*, S. F., 1870. The case bids fair never to reach an end, McG. and the Panocha Grande Quicksilver Min. Co. being indefatigable in seeking relief from the courts and congress.

Gonzalez, S. Antonio, Sta Cruz, 336, conf. by all the courts on a grant of '33. 22 *Howard*, 161. This was a case in which the grantee of about 4 l., between well-defined boundaries, seems to have got only ¾ l., by an error in the grant following a blundering estimate of width in the original diseño. Possibly this was remedied in the final survey.

Haro, Potrero, S. F., 101, 613, conf. by l. c. on grants of '44, but rej. by d. c. on proof that the grants were fraudulent. There was, however, a genuine license to occupy—the regular grant being withheld because the mission *ejidos* might include this land—followed by occupation; and on this as an equitable title 7 able attorneys before the s. c. in '66 strove to have the cl. conf.; but it was rej., the previous frauds doubtless having an influence, on the purely legal ground that the license was not a grant. 5 *Wallace*, 599. After this decision lessees under the Haro title refused to pay rent, and claimed ownership as squatters or settlers on govt land, or city lands by the Van Ness ordinance and acts of congress. Owners under the Haro title claimed the land on the same grounds as their opponents, having been themselves the occupants, squatters, or settlers through their lessees; but after a series of suits they were defeated in '78.

Hartnell, Todos Santos, Sta B., and Cosumnes, Sac., 228, conf. by all the courts, 1 *Hoff.* 207; 22 *Howard*, 286; but the Cosumnes cl. was cut down from 11 to 6 l. because the others was for 5 l. and only 11 l. in all could be granted to one man. H.'s rancho of Alisal, ¾ l., was not deducted because it was purchased, not granted.

list than the various classes of fraudulent claims. Of the famous cases the claim of Andrés Castillero for

Iturbide, 400 l., 281, rej. by l. c., and as notice of appeal was not filed in time, the merits of the case were never considered by the d. c. and s. c., though it was implied that it might have merits. 1 *Hoff.* 273; 22 *Howard*, 290. Land was 1st granted to I. in Texas '22; in '35 his heirs were allowed to locate the grant in N. Mex. or Cal.; in '41 it was decreed that it should be in Cal.; and in '45 the gov. was ordered to grant the land as selected by Salvador I. The latter, however, was not able to come to Cal. till '51. Probably all this imposed no obligations whatever on the U. S.

Larkin, Boga, Butte, 129, conf., as was the adjoining cl. of Fernandez (no. 109). In a boundary dispute between these 2 conf. and patented grants the earlier grant with junior patent prevailed against the later grant and senior patent; but on the ground that the former was not purely a floating grant. Otherwise, in the case of 2 floating grants, the date of the patent was decisive. 18 *Wallace*, 255.

Larkin, Jimeno rancho, Colusa and Yuba, 131, conf. by all the courts on grant of '44 to Jimeno. This case settled several minor points; that area not in grant may be learned from other doc. of the expediente; that evid. of fraud not offered in d. c. will not be received in s. c.; that grants to civil and mil. employés are valid; and that absence of the usual conditions do not invalidate the grant. Justice Campbell dissented from the final conf., believing that this cl. was a 'put-up job' of Larkin, Jimeno, and Micheltorena in '46 or later. 18 *Howard*, 557; 1 *Hoff.* 41, 49, 68, 72.

Limantour, 4 sq. l. in S. F. (all south of Cal. st), also Alcatraz and Yerba Buena isl., the Farallones, and Pt Tiburon, 548–9, cl. filed in Feb. '53; conf. by l. c. in '56 on grants of Feb. and Dec. '43, approval of the Mex. govt in '43–4, an expediente found in the Mont. archives in '53 by Vicente P. Gomez, other corresp. and doc. evidence, and parol testimony of many individuals. L. claimed to have received the land in return for aid furnished to the gov., and the fact that he did furnish such aid gave plausibility to his claim, except in respect of its extent; but this extent, and especially the fact that L.'s cl. to 5 other grants aggregating nearly a million acres (no. 715, 780–1, 783–4), being rej. by the l. c. had been abandoned, were sufficient to excite more than suspicion. The conf. caused great excitement in S. F. '56–8, on account of the immense interests involved. Though many able lawyers pronounced the claim fraudulent or illegal, many lot-owners bought the title for security; an opposing organization suspended its efforts on receiving quitclaim deeds from L., and John S. Hittell published a pamphlet in '57, in which, giving an excellent account of the case, he concluded that the cl. was genuine, and that its conf. would be best for the citizens. Before Judge Hoffman in the d. c. the cl. was fully investigated in '58 and finally rejected on the ground that the grants, expedientes, and most of the doc. were forgeries or antedated, and much of the other testimony perjury. 1 *Hoff.* 389–451. The exposure was so complete that L. abandoned the cl. and deemed himself lucky to escape from the country. Some of his accomplices and tools had turned against him. The decisive point was the discovery that the seals on all the L. grants were counterfeit; but without this and other positive proof, I think the fraud would have been fully established and the claim rejected on the clear circumstantial evidence to be drawn from numerous irregularities, inconsistencies, improbabilities, and falsehoods connected with the proceedings and evidence. William C. Jones always maintained that no competent lawyer ever did or could question the fraudulent nature of the claim; and H. W. Halleck, that the grant if genuine would be held illegal, since the gov. could not thus grant to a single individual nearly all the pueblo lands without the consent or knowledge of the municipal authorities. It is probable that L. really got a grant of a small tract at S. F., which has no practical bearing on the case, except that it may in a few in-

the New Almaden quicksilver mine was probably the most important and complicated. In magnitude of

stances mitigate the charge of perjury against some individuals. Of course but the barest outline of this *cause célebra* can be given here, and I cannot even present its bibliography.

Limantour, Ciénega del Gavilan, Mont., 782, rej. by l. c. but conf. by d. c. on a grant of '43 to Antonio Chaves; and I think the conf. was final. This was the only one of the Limantour cl. that became valid, but it was doubtless fraudulent like the rest, bearing the forged seal, and it is understood that the U. S. officials knew this fact before it was too late. The holder under L. claiming to have bought in good faith, and adopting a liberal policy with squatters, was enabled to obtain his patent.

Little, 5 l. in Yolo, 807, rej. by d. c. on Sutter gen. title, q. v. Most of these cl. were conf. by the d. c., though finally rej. by s. c.; but in this case the grant was fraudulently antedated by Sutter in '50.

Luco, Ulpinos, Solano, 813; rej. in all the courts on a grant of a sobrante, some 50 l., to José de la Rosa in '45. This was the last case presented to the l. c., in '54, after the term had expired, by a special act of congress. It rested on doc. deposited in the arch. in '53 and on oral testimony. It was one of the most carefully prepared of the crooked cases, and did space permit might be profitably reviewed somewhat at length. The claim was rej. as fraudulent throughout, Pio Pico's signature and the govt seal being forgeries, most of the doc. spurious, and testimony in support of Rosa's claim and occupancy for the most part perjury. 1 *Hoff.* 345; 23 *Howard*, 515.

Marchina, 1 l. in S. F., granted in '44 to Fernando M. in payment for services to the army. Not presented to l. c. or courts; but pub. in a pamphlet at S. F. '65, perhaps for the discipline of lot-owners.

Morehead, Carmel, Sac., 89, rej. in l. c., conf. d. c., and finally rej. in s. c., the court refusing to reopen the case for new evidence in '61. 1 *Black*, 227; *Id.* 488. Wm Knight, the grantee, had a Sutter gen. title; but he had also a grant from Gov. Pico of '46. The absence of proper 'record evidence' was deemed to justify strict ruling and close scrutiny of secondary evid. which was largely of a suspicious nature, tending to show the doc. to be fraudulent. J. Wayne dissented from the decision, deeming it 'a severer exclusion of a right of prop. in land secured by treaty than has hitherto been adjudged by this court in any case from Cal.'

Murphy, Pastoria de las Borregas, Sta Clara, 90, conf. on grant of '42 to Estrada; as was another part of the rancho to Castro on the same grant (no. 257). M. held under a deed from C.; and a claim of the Estradas, who disputed the validity of C.'s deed, was lost in Cal. s. c. (19 *Cal.* 278), because it had not been presented to the l. c., the merits not being considered. This ruling is not clear to me on the theory that the U. S. patent was a quitclaim without prejudice to the rights of 3d parties.

Noé, Isl. in Sac., 294, rej. by l. c., conf. d. c., and rej. s. c. 1 *Hoff.* 162; 23 *Howard*, 312. This was a grant to Elwell for services in '41, and was the 1st cl. rejected for non-fulfilment of conditions of occupation, etc., amounting as was held to a virtual abandonment until the change of govt made the cl. valuable. The distinction between this and other cases decided the other way is vague, but of course the line must be drawn somewhere.

Olvera, Cuyamaca, S. Diego, 375; rej. l. c., conf. d. c. '58. Not surveyed till '70, and the survey rejected in '73, and a new one ordered which was to exclude the Julian mines on the N.

Osio, Angel Isl., S. F., 18, conf. by l. c. and d. c. on a grant of '39 under an order from Mex. of '38. It was rej. by the s. c., because the grant had not been made as ordered 'with concurrence of the diputacion.' The grant and testimony were regarded as suspicious, and not less so because of the desirability of the isl. to the U. S.; therefore strict compliance with formalities was insisted on. 23 *Howard*, 293; 1 *Hoff.* 100.

interests involved, and bulk of record, this case before the district court was deemed second to none decided

Pacheco, Arroyo de las Nueces, Contra Costa, 168, conf. by all the courts. In this case as in that of Gonzalez (336) there was a blunder of '2 sq. l.' for '2 l. sq.' in the grant; but in this case the error was corrected in d. c. and s. c. 22 *Howard*, 225.

Pacheco, Bolsa de S. Felipe, Mont., 65, conf. by all the courts as one of the few perfect titles, juridical possession under a grant of '40. The d. c. reduced the cl. to 1 l. because 'dos' had been written over an erasure of 'uno;' but the s. c. raised it to 2 l. because the change had been made at the time of the grant, or before possession. 1 *Wallace*, 282.

Palmer, Pt Lobos, S. F., 515, rej. by all the courts as fraudulent or antedated, on a grant of '46. The fact that Gov. Pico was not at Los Ang. on the date the grant purported to be signed there seems to have been the entering wedge to show the fraud. These late grants were naturally regarded with much suspicion, and though there was some doc. and oral testimony in favor of the Diaz grant, yet suspicious circumstances were abundant. 1 *Hoff.* 249; 24 *Howard*, 125. There seems to have been another cl. to this land, not presented to the l. c., on a grant of '45 to Joaq. Piña.

Pastor, Milpitas, Mont., 305, conf. by l. c. '53 and by d. c. '60 on a grant of '38 to an Ind. There were many and complicated legal proceedings besides. Apparently the grant was fraudulent, purporting to be signed by Alvarado at S. Antonio when he was really far away in the south, and as constitutional gov., which he was not till the next year; and worse yet, the survey was located without reference to the original bounds, and the area increased from 12,000 to 30,000 acres to include the lands of some 100 settlers. Luco, of Ulpinos grant fame, was the owner. In '76-7 J. F. Stuart in behalf of the settlers was engaged in desperate efforts to have this fraud exposed and the wrong redressed, but without final success, so far as is shown by the incomplete records within my reach.

Peralta, S. Antonio, Alameda, 4, 273-4, conf. by all the courts, on grant of '20 to Luis P., to sons of the grantee. 19 *Howard*, 343. This grant covered the sites of Berkeley, Oakland, and Alameda, representing in later years many millions in value. Don Luis in '42 divided the land among his four sons, and in his will of '51 confirmed the division. His four daughters were ignored, and this caused much litigation in later times on the famous 'sisters' title.' If the grant of '20 gave a 'perfect' title, all the heirs of Luis had a valid claim; but it was held by the s. c. (13 *Wallace*, 480) in '71 that the title of '20 was not perfect, since the eastern boundary was not definitely fixed, and therefore the patent to the sons was final. It was implied, however, that holders under the sisters might have some claim that would be recognized by a court of equity if properly presented; and there were other ramifications of the matter that I cannot follow here; so that in '85 the title to certain tracts is not regarded as altogether quieted.

Pico, Calaveras, 602, rej. by l. c., conf. d. c., and rej. s. c. on a grant of July 20, '46. There was an expediente of date prior to July 7th, but as there was some doubt about the grant itself, occupation, etc., the equities of such a cl., if genuine, were not decided.

Pico, Jamul, S. Diego, 407, rej. by l. c. and d. c. '58 on a grant, or license to occupy, of '31. In some way not clear to me the cl. came before the d. c. in '70, on a grant by Gov. Pico to himself, after a petition from himself to himself, in '45. It was conf., but chiefly as an equitable cl. resting on the license of '31, long occupation, etc. 1 *Sawyer*, 347.

Pico, Moquelumne, 357, rej. l. c., conf. d. c.—mainly because the court was not at liberty 'to substitute its own suspicions for proofs'—but rej. by the s. c. on grant of June '46, there being no archive expediente, with but slight evid. of occupation. This Mex. grant, however, seems to have prevented the land from being gobbled up by the R. R., and in '76 the settlers celebrated by a barbecue a final decision in their favor.

previously by any tribunal. The transcript of record filled 3,584 printed pages; 125 witnesses were exam-

Polack, Yerba Buena Isl., 11, conf. by l. c., but rej. by d. c. on grant of '38. 1 *Hoff.* 284. There was no original grant or expediente, only a copy recorded in '49; but there was much and contradictory testimony about the existence of the grant before '46 and the occupation by Castro, grantee; and some direct evid. that Alvarado antedated the grant in '48. The court favored this view; but rejected the cl. on the ground that in the absence of record proof other evidence must be of the best and free from suspicion.

Reading, S. Buenaventura, Sac., 28, conf. by all the courts. 1 *Hoff.* 18; 18 *Howard*, 1. In this case the point was urged that R. forfeited his rights as a Mex. citizen by joining Frémont and the Bears against Mex.; and J. Daniel dissented on this ground, holding that Mex. never would have conf. a grant to such a man, and the U. S. were bound to do nothing that Mex. would not have done. But the court held that R.'s act was justifiable (!), not treachery, and if it were the U. S. could not urge an act in their own favor as a ground of forfeiture.

Rico, Ranchería del Rio Estanislao, S. Joaq., 767, conf. by l. c. and d. c., and appeal dismissed, on grant of 11 l. in '43. Judge Hoffman confirmed this cl. on the conf. of the l. c. and the absence of argument or new testimony against it in the d. c., because his suspicions were not sufficient to authorize him to pronounce it a forgery. But later in the Limantour case the Rico grant was found to bear the spurious seal, and was doubtless entirely fraudulent. I have seen no record of later proceedings if there were any.

Ritchie, Suisun, Solano Co., 3, conf. by all the courts, on a grant to the Ind. chief Solano in '42, being the second case before the s. c. 17 *Howard*, 525. This case established the right of the Ind. to receive and sell lands; also that mission lands were subject to colonization grants. Caleb Cushing in an argument of 80 p. claimed that this was a 'job' of Vallejo to use Solano to get land in addition to his regular grants.

Rocha, La Brea, Los Ang., 487, rej. l. c., conf. d. c. and s. c. on municipal grant of '28, and provisional grant of '40 until the pueblo ejidos should be settled. 9 *Wallace*, 639.

Rodriguez, Butano, Sta Cruz, 627. This was a case where one conf. and patented cl. left no room for another also conf. a little later. By a possible error in the bound of the pat. cl. the court found room for ½ l. of the other, and for the rest stretched it over worthless mountains as the best that could be done. 1 *Wallace*, 582.

Rodriguez, S. Francisquito, Sta Clara, 642, conf. on grant of '39, but a portion overlapped by a later grant 1st surveyed was lost. 29 *Cal.* 104.

Roland, Los Huecos, Sta Clara, 282, rej. by l. c. for lack of approval by assemb., of juridical possession, and of occupation; rej. by d. c. because the grant was made by the gov. in '46 without investigation; but conf. by s. c. on the ground that in case of a genuine expediente from the archives, even lacking a diseño, the objections urged were not valid. 10 *Wallace*, 224. Roland's cl. in S. Joaq. co. (no. 232) was rej. by all the courts as antedated, though a suspicious expediente was produced from the archives.

Romero, Sobrante de S. Ramon, Contra Costa, 654, rej. by all the courts, because with petition, favorable reports, etc., and actual occupation with boundary agreed upon by neighbors, no formal grant could be shown. 1 *Hoff.* 226; 1 *Wallace*, 721. The owners of the adjoining rancho (no. 179, 301, of which this was the sobrante) had their cl. conf. at 1st for the whole extent of both, but the survey was later restricted to 2 l. Meanwhile, congress passed an act allowing the Romero holders to contest Carpentier's survey of S. Ramon, and C. made his survey in a most extraordinary shape so as to cover all the good land on both ranchos. This was before the courts in '64, and I do not know the result; but there has been much trouble in the matter since. This Carpentier seems to have been a shrewd land fiend interested in many of the crooked cases.

ined, 18 of them prominent men from Mexico; lawyers like Reverdy Johnson, Judah P. Benjamin, Hall

Santillan, Mission Dolores, S. F., '81, cl. of Bolton on a grant of '46, conf. by l. c. '55, and *pro forma* by d. c. '57, but rej. by s. c. in '59. This was one of the famous cases covering 3 l. of S. F. lands. S., parish priest at S. F. in '46, made known his cl. in '50, selling it to J. R. Bolton, and before the l. c.'s conf. it passed into the possession of a Philadelphia association. The genuineness of the original grant, signed by Gov. Pico and Sec. Covarrubias on Feb. 10, '46, was proved by the testimony of C. and his clerk Arenas; no expediente or other doc. from the archives was produced; record and approval by the assemb. were proved by parol evidence; there was testimony—rather doubtful, except in that the witnesses had not yet been impeached—that the grant had existed in '46; and evidence direct and indirect, though of no great weight, that the grant had been antedated in '49–50. That a poverty-stricken Ind. priest should have got a grant of 3 l. on condition of paying the mission debt, that he could have obtained so large a tract of pueblo lands without investigation leaving traces in the archives, and that he could or would have kept his grant a secret from interested residents at the mission and from others for years—all this creates against the cl. a presumption of fraud that could be overcome only by the most complete and satisfactory evidence, and the evidence offered was on the contrary weak and suspicious at every point. The cl. should have been rejected on its merits by the l. c. at the start. The company owning the claim has since '59 made many efforts to obtain satisfaction from congress, and in '78 got a favorable report from the house com. on private land claims, recommending a rehearing of the case by the courts with a view to later compensation by the govt if the cl. should be held valid. This report contains nothing new in support of the cl. more important than the promise of the testimony of Santillan and Pico, except that the discovery of a record-book is mentioned. Perhaps this is the *Sta. B. Arch.*, on p. 63 of my copy of which is the record of a deed of '46 from Santillan to Carrillo of part of the mission land, and with it an undated record of the deposit by S. of his title and other doc. in the archives of the juzgado. This, if genuine, would be of course more important in support of the claim than anything presented to the courts. The case has many complications to which I cannot even allude.

Sepúlveda, Sta Mónica, Los Ang., 457; also Reyes, Boca de Sta M., 445; both conf., but no survey or patent as late as '73. At this date there was a quarrel between the claimants as there had been almost continuously since '26–7 when they occupied the land under a provisional license. There had been several grants and revocations with frequent litigation down to '46, and the case was a complicated one; but it was decided that Reyes could hold the area within which his 1½ l. were to be located until the final survey should be made. 45 *Cal.* 379.

Serrano, Temescal, S. Diego, 414, rej. by l. c., conf. d. c., and rej. s. c., on a license of '19, under which S. occupied the land from '19 to '52, his right never being questioned. It was held that his written permission to occupy constituted no equitable cl.; indeed, he would have been better off without it, since long possession with his belief in ownership might have been an equitable title but for the paper showing his right to be temporary! The Californians did not exactly appreciate this reasoning. 5 *Wallace*, 451.

Sherreback, 800 v. sq. in S. F., 795, rej. by l. c., conf. by d. c., but decree vacated in '60. It was a grant by the prefect in '45, and without much doubt fraudulent. In '85 this claim comes up again to terrify lot-owners, resting apparently at this stage on some informality in the final decree of rejection.

Stearns, 600 v. sq. in S. F., 94, rej. by all the courts on a grant of '46 to Andrade, including the tract known as the Willows. The grant was held to have been made after July 7th and antedated. 6 *Wallace*, 589.

Suñol, Coches, Sta Clara, 167, conf. '56 on a grant of '44 to an Ind.,

McAllister, and Edmund Randolph on one side or the other gave utterance to 100 to 400 pages each

Roberto; yet in '50 S. failed to eject an intruder, the Cal. s. c. holding that an Ind. could not make a valid conveyance of land. 1 *Hoff.* 110; 1 *Cal.* 255.

Sutherland, Cajon, S. Diego, 262, conf. by all the courts on grant of '45 to Pedrorena. Held not to be void because no bounds or quantity were specified, so long as there was a tract of the name—and only one—in the region. 19 *Howard*, 363.

Sutter, N. Helvetia, Sac. Val., 92, conf. by all the courts on grant of '41 for 11 l. The original grant had been burned in '51; archive evidence was very slight; and the location was vague in many respects; yet the evidence was deemed conclusive that Sutter had in '41 rec'd a valid grant of 11 l. in the Sac. Val. 21 *Howard*, 170. As to location the case was sent back to d. c. for further action. As S. had sold lands almost anywhere in the val. where desired, to many persons, the location of his grant became a matter of great importance and difficulty since it was hard to cover with a 11 l. survey claims scattered over 100 l. Originally by a blunder in lines of latitude the southern bound had been placed many miles north of the fort, and the squatters of Sac. city struggled to have it appear that S. owned nothing south of the Sac. and Feather junction, S. himself being willing to take that view at times; but the location of the fort and the mention of the 3 buttes as a northern bound were very properly deemed conclusive. The survey of '59–60 located the land in 2 tracts, one of 2 l. including the fort and city, the other of 9 l. on the Feather Riv., including Marysville. The d. c. set aside this survey, and in '63 approved a new one locating the land in a long line of 13 tracts between the same limits as before, the theory being to follow S.'s own successive selections as shown by settlements, deeds, etc., as the nearest approximation to justice. The s. c., however, set aside the last survey and restored that of '60; that is, confirmed the grant as originally made, not attempting the impossible by trying to remedy Sutter's blunders and frauds. 2 *Wallace*, 562. See also vol. iv., pp. 229–32, of this work, for map and some details.

Sutter, Sobrante, 92, conf. by l. c. and d. c., but rej. by s. c. on a grant of Feb. 25, '45, for the surplus of N. Helv. to the extent of 22 l., signed by Gov. Micheltorena at Sta B. This grant also was burned in '51, and the evidence in support of its authenticity seems weak and wholly insufficient, though I have little doubt that S. did get from the gov. such a paper in return for his services; but the cl. was rejected on the ground that such a grant, even if genuine—made by Gov. M. out of his capital, engaged in civil war, on the verge of defeat, made to a band of foreigners on whom his success depended, without due formalities of law, not recognized by his successors, kept secret till the U. S. were in power, etc.—constituted no equitable claim which the U. S. were bound to confirm. 21 *Howard*, 170 et seq.

Sutter, 'general title,' 226, 235, 303, 605, 626, 658, et al., conf. by l. c. and d. c.; but rej. by the s. c. This gen. title was a doc. signed Dec. 22, '44, by which Gov. M. conferred on each person who had asked for lands and got a favorable report from S. a title to the lands solicited, a copy of this order issued and certified by S. to serve as such title. The ostensible motive was to save the time and trouble of making so many individual grants; the real motive was to bribe S. and his settlers to aid M. against his foes, the order being sent up to the fort before the volunteers started. The certificates were given out by S. within the next year, except some fraudulently antedated in later years; but none of the claimants had really applied in good faith for lands before the general order was signed. The l. c. and d. c. conf. such of these cl. as seemed genuine on the ground that the title with actual occupation by settlers constituted an equitable cl. on the U. S.; but the s. c. held that the general title, not depending in any way on the colonization laws, was at the best but a promise to distribute lands, if successful, among

of legal lore, eloquence, wit, and sarcasm; dozens of special pamphlets on the subject were published, besides the regular briefs and court records; and outside of the main struggle between the claimants and the United States, there was always a complicated litigation in progress between quarrelling claimants. The great battle had to be fought again before the supreme court, where by an unjust decision the mining claim was finally rejected; and after another struggle in behalf of a survey that should locate the mine on pri-

his supporters, and his defeat abrogated whatever power had been conferred on S. No exception was made in cases where the cl. had been put provisionally in possession by Gov. M. until he could decide. 21 *Howard*, 408, 412; 23 *Id.* 255, 262, 476.

Swartz, N. Flandria, 655, 787, rej. on a grant of '44 by all the courts. 1 *Hoff.* 230; 1 *Wallace*, 721. This cl. was presented to l. c. without evidence, which was 1st introd. in d. c. The court was in doubt about the legality of this course, though inclined to permit it; but the cl. was rejected as a forgery.

Teschemacher, Lupyomi, Sonoma, 507, rej. by l. c., conf. by d. c., but remanded by s. c. and finally rejected. 22 *Howard*, 392. This was a cl. not supported by archive record, with slight evid. of occupation and genuineness of signatures. The court evidently regarded it as antedated or forged, and required such testimony in such cases as 'to make the antedating irreconcilable with the weight of proof.'

Vallejo, Agua Caliente, Sonoma, 741, rej. by l. c., but conf. by d. c. and s. c. 1 *Black*, 283; 11 *Wallace*, 566. The opposition was based on the sale of the land by the grantee to V. before the final grant was made, thus enabling V. to evade the restriction to 11 l.

Vallejo, Petaluma, Sonoma, 250, conf. on grant of '43, 10 l., and purchase of '44, 5 l. Though the cl. is recorded as conf. and appeal dismissed in '57, Gen. V., *Hist. Cal.*, iv. 385-6, says that final confirmation was not secured till '75, after he, tired of fighting squatters and lawyers, had given up his rights to the land.

Vallejo, Soscol, Solano, 291, conf. by l. c. and d. c., but rej. by s. c. on a grant and sale by Gov. Micheltorena in '43-4. There is no doubt of the legitimacy and good faith of the transaction; the genuineness of the doc. was not questioned in the lower courts, and in the s. c. only in a general, quibbling, absurd way; but the cl. was rej. on the ground that the gov. had no power to sell govt lands. 1 *Black*, 541. He could give it away for nothing, but could not exchange it for food to support his soldiers! Two of the judges dissented from this most unjust ruling, and in '63 congress by a special act provided that actual purchasers under the Vallejo title should have the preference to enter the land at $1.25 per acre. The grant covered the towns of Benicia and Vallejo; and there was much litigation later between different interests.

Vasquez, Soulajule, Marin, 245, conf. d. c. '56. In '74 Mesa, holding a part of the same grant that had not been presented for conf. to the l. c., insisted that the conf. of V.'s part was a conf. also of his part; but he was defeated in all the courts. 21 *Wallace*, 387.

West, S. Miguel, Sonoma, 251; rej. by l. c., but conf. by d. c. and s. c., 22 *Howard*, 315. The grant of '44 was for 1½ l., but after '46 the quantity was fraudulently changed to 6 l. The s. c. held, however, that this did not invalidate the genuine cl. for 1½ l.

vate lands controlled by the company, the latter was forced to yield and part with its property at a nominal price of $1,750,000. The Frémont claim to the Mariposas was another cause célèbre involving immense interests, the grant being almost the only one affecting the gold region, and its early confirmation settling several important legal questions. The Panocha Grande claim of Vicente Gomez assumed great importance on account of the New Idria quicksilver mines, which the grant assumed to cover; and in its development it became the famous McGarrahan case, the basis of Harte's *Story of a Mine*, a case apparently destined to eternal life before congress and the courts, though by the land tribunals the claim was rejected as fraudulent. The grant by which the Frenchman Limantour attempted to grasp the most valuable parts of San Francisco was a fraudulently antedated document supported by other forgeries and by perjury of many witnesses. The confirmation of the claim by the commissioners naturally caused intense excitement in the city, and large sums of money were extorted from frightened property holders; but happily the fraud was brought to light before the district court, the judge pronouncing the case in several respects "without parallel in the judicial history of the country." The Peralta grant, covering the sites of Berkeley, Oakland, and Alameda, though important on account of the great value of the lands, was genuine and valid, giving comparatively little trouble to the land tribunals; but an almost endless litigation in the California courts sprang from Peralta's division of the estate among his sons while ignoring the daughters. The Bolton, or Santillan, claim to a large tract at San Francisco mission, resting on a pretended grant to the parish priest in 1846, caused almost as much excitement as that of Limantour; and not even in 1886 had the eastern association owning the claim abandoned all idea of obtaining from congress some compensation for their alleged losses and wrongs.

Sutter's claim at New Helvetia rested on a valid grant that was finally confirmed; but in this case many complications arose from the discovery of gold in this region, from the building of Sacramento city on the land, from a series of blunders in the original survey, and from Sutter's peculiar methods of selling land almost anywhere with but slight reference to his boundary lines. Vallejo's claim for Soscol, on which stood the towns of Benicia and Vallejo, was finally rejected as resting on a sale, and not on a colonization grant; but the injustice was to some extent remedied, so far as the settlers were concerned, by a subsequent act of congress.

The mission lands demand separate notice in this connection, though in a strict or legal sense there never were any such lands. Neither to the neophyte communities, to the friars, nor to the church were the so-called mission lands—that is, the lands adjoining the missions, and utilized at one time or another by those establishments—ever granted by the Spanish or Mexican government. The system has been fully explained in the mission annals of preceding volumes. The friars were simply hired agents of the government, never had any property rights whatever, and never claimed any, except as guardians of the Indians. The neophytes had simply the right, on becoming christianized and civilized, to obtain land grants like other citizens; a few of them did so, and the government merely withheld from colonization such constantly diminishing portions of the public lands as were prospectively needed for the neophytes; the governors granted lands not thus needed from time to time to private ownership, their right to do so never being questioned under Mexican rule, and being eventually admitted by the United States; and in this matter the friars had no other right—though they were always consulted, sometimes consenting, sometimes making objections—than that of protesting before

the supreme government that in a particular grant the neophytes' prospective needs had been ignored. Finally, the church had an equitable and always recognized right, becoming in a large sense legal with the progress of secularization, to the possession of the church buildings, priests' houses, cemeteries, and certain small tracts at each establishment utilized by the priests as gardens and orchards for their own support. In 1845–6, the governor leased, and finally granted or sold, to private parties the remnants of the mission estates—that is, all the public lands adjoining the missions not previously disposed of—the purchasers being required to pay the mission debts, to support the parish priest, to pay the expenses of public worship, to recognize the title to church property proper, and not to disturb the ex-neophytes in the possession of the lots actually cultivated by them.[25]

During the military rule of 1846–8, on account of the conflicting claims of lessees, purchasers, and priests, the mission estates as related elsewhere gave the authorities somewhat more trouble than other classes of landed property; but attention was directed only to the protection of the estates from damage and to the maintenance of individual rights in statu quo, the question of title being left to later tribunals. After California became a state, the legislature in 1850 attempted without results some steps of investigation; and for the rest the courts continued to protect all rights pending a final decision.[26] Finally the mission claims were presented to the commission in three classes. First were the claims under Pico's sales of 1845–6, seventeen in number. These sales differed in several respects from the colonization grants which

[25] For full details of Gov. Pico's leases and sales of the mission estates in '45–6, with information on the final disposition of each title, see iv. 546–53; v. 558–65; and also local annals of the different missions '45–8, in the same volumes. *Hist. Cal.*, this series.

[26] *Cal., Journals*, '50, through index p. 1302, 1342. The plan proposed was to pay Halleck and Hartnell $15,000 for a detailed report on mission titles. In *Nobili vs Redman*, 6 Cal. 325, the priest at Sta Clara failed to establish the claim of the church to the Sta Clara orchard.

the governor had an undoubted right to make; there was the Montesdeoca order of November 1845, received in April 1846, suspending all proceedings in the sale of mission estates; the Tornel order of March giving Pico and Castro 'ample powers' to defend the country, if a valid revocation of the preceding, was probably not received before most or all of the sales had been made; and moreover, the sales themselves were irregular in not having been made by auction as provided, the claimants offered little proof of having complied with conditions, archive evidence was for the most part lacking, and the belief was general that Pico had granted the estates to English friends after July 7, 1846. The lower tribunals, however, virtually admitted the governor's right to make the sales, though they rejected seven of the claims—notably the Santillan claim to San Francisco—for various frauds and irregularities, or because the claim was for church property; and when finally in 1863 the supreme court decided in the cases of San Gabriel and San Luis Rey that the governor had no right at any time to sell the mission estates, eight of the claims had been finally confirmed.[27]

Second was the archbishop's claim, in behalf of the church, for one square league at each mission, with additional lands at San Miguel, Santa Clara, and Santa Inés, to be held in trust for the Indians. For the 21 leagues no grant was alleged, and for the additional lands reliance was placed only in certain orders of 1844 for the distribution of lots among the neophytes as a part of the process of secularization. As there had been no grants or even occupation, there was no valid claim before the courts, which could only protect rights, not distribute lands to any class, however

[37] Land com. nos 81, 110, 175, 224, 295, 348, 378, 410 and 808, 476, 479, 526, 538, 621–2, 697 and 574, 742 and 754, 752. Those confirmed were S. Diego, S. Juan Cap., S. Fernando, S. Buenaventura, Purísima, S. Luis Obispo, Soledad, S. Juan Bautista; rejected S. Luis Rey, S. Gabriel, Sta Bárbara, Sta Inés, S. Miguel, S. José, Sta Clara, S. Francisco, and S. Rafael; while S. Cárlos, S. Antonio, Sta Cruz, and Solano did not come before the l. c. in this form.

deserving, except by act of congress. Therefore these claims were rejected by the board and discontinued.[28] It is unfortunate that the Mexican government, or that of the United States, did not make provision for the Indians by granting lands to be held in trust by ecclesiastical or other authorities, though of course the courts could afford no relief. Third and finally was the claim of the archbishop for the church property at each mission, including a few acres of garden, orchard, and vineyard; also the Santa Inés college rancho, and La Laguna in San Luis Obispo, which rested on formal grants.[29] This claim, being a perfectly valid and equitable one, was confirmed by the board in 1855, appeal being dismissed in the district courts in 1857-8.

Under Spanish and Mexican rule a pueblo, or legally organized settlement, whatever its origin, was entitled to a tract of land for the various uses of the community and its members. The land was rarely, if ever, formally granted by the government at the founding, but the pueblo might at any time take steps to have the bounds fixed by a survey, which amounted to a grant, though even this in California was often long delayed, or sometimes omitted altogether. It seems to have been generally understood that by law and usage a pueblo was entitled to at least four leagues of land, though there was a question—not yet entirely cleared up, I think—whether the area was four square leagues or four leagues square. Pueblo lots were sold or distributed to residents by the municipal authorities instead of being granted like ranchos by the governor. The system is sufficiently explained elsewhere, especially in connection with the local history of the different towns.[30]

The act of 1851 provided that the existence of a

[28] No. 663 of the l. c. The decision of the board in a newspaper clipping I find in *Hayes' Miss. B.*, 404.

[29] No. 609 of the l. c.

[30] See also references in note 1 of this chap.

town on July 7, 1846, should be regarded as prima facie evidence of a land grant, and thus the claim should be presented in the name of the town, and not of the lot-owners. Of course the claims of such owners to lots bought and occupied before 1846 were sure to be confirmed; but the sale of lots by the municipal authorities had continued since 1846, and on these lands as on others not sold adjoining the larger towns squatters had settled, acquiring a valid title if the lands belonged to the United States; hence the chief importance of determining the validity, extent, and nature of the general pueblo titles. The general conclusions reached in the United States tribunals were that each town was entitled to the lands granted or assigned by survey, or to four square leagues if no area or bounds had been fixed; that the United States government was bound to acknowledge and perfect the equitable and inchoate title of a pueblo as of an individual; that sales by the alcaldes since 1846 were valid; but that the pueblo title was not of such a nature as to permit sale under execution for claims against the town, the lands being held in trust for certain uses; and that the authority of the alcalde was not so absolute as to invalidate grants regularly made by the governor within pueblo limits. Most of these claims were decided by the board and courts before 1860; about 1870 the surveys in their main features had been made and confirmed; but not till 1884 was the last patent issued.

The modern towns of Sonora and Sacramento presented claims for land, which of course, resting on nothing, were promptly rejected by the board, and discontinued.[31] The Indian pueblos of the south, Las Flores, San Dieguito, and San Pascual, presented no claims, their lands being included in private ranchos, though in the case of Las Flores, and possibly of the others, the owners had acquired the Indian title.[32] Of

[31] Nos 639, 792 of the l. c.

[32] Nos 345, 441, 700, of the l. c. The validity of Pico's purchase of Las

the pueblos that had been more or less fully established on the sites of the secularized missions, Sonoma's claim for four leagues was confirmed and patented in 1880; that of San Luis Obispo was rejected;[33] while those of San Juan de Argüello and San Juan de Castro, the latter of which might perhaps have been successful, were never presented. Of the three original pueblos of Spanish times Branciforte presented no claim;[34] to Los Angeles claiming sixteen leagues was confirmed a tract of about four, patented in 1875; while to San José, though the commission restricted its claim to four leagues, the final confirmation and survey of 1866 were for a tract within bounds fixed in 1838 or earlier, eleven and a half leagues long by two and a half wide, which, several ranchos being excepted, gave the pueblo less than two leagues in five tracts.[35] Of the four presidios on the sites of which pueblos were duly organized in 1835 or earlier, San Diego obtained confirmation for the tract covered by Captain Fitch's official map of 1845, quantity not specified; and after the usual protests and controversy the survey seems to have been approved in its main features in 1870, a patent being issued in 1874.[36] Santa Barbara's claim was confirmed in 1861 and patented in 1872 for an area within certain bounds amounting to four leagues. The pueblo lands of Monterey had been definitely assigned by a survey of 1830, and were confirmed to the town by the board in 1856, ap-

Flores with approval of local authorities is affirmed in 5 *Wallace*, 536, the pueblo title being virtually confirmed.

[33] Nos 237, 738, of the l. c.

[34] The alcalde at Sta Cruz sold lands in '49–50; but in '60–8 the title to these lands was held to have been forfeited by the failure of the pueblo, if there was one, to present the claim. *Stevenson vs Bennett*, 35 Cal. 424. Respecting the Los Angeles lands I have found nothing beyond the brief record in the Hoffman list, no. 422, and the record of patent.

[35] Nos 286–7 of the l. c. There were many complications in this case, which is presented in detail most satisfactorily by Hall in his *Hist. S. José*, 333–49, with map. In '80 no final patent had been given.

[36] No. 589. Scraps and pamphlets in *Hayes' Legal Hist. S. Diego*, i. 48 et seq., are the best source of information that I have found. The Sta B. claim was no. 543; see also *Sta B. County Hist.*, 199. The claim for $8\frac{3}{4}$ l. was rej. by the l. c. in '54, but conf. with reduced limits by the d. c. in '61. The Mont. cl. is no. 714.

peal being dismissed in 1858, though in 1880 no patent had been obtained. The fourth presidial pueblo demands more extended notice.

The pueblo land question at San Francisco, where the great legal battle was fought, is far too complicated for any but the most summary treatment here. As a matter of fact, San Francisco was a pueblo in 1835–46 exactly like those of San Diego and Monterey; but my views on this subject have been expressed elsewhere.[37] Able lawyers, however, denied the existence of any pueblo, or if it existed, its title to any lands not distributed before 1846, adopting some very ingenious theories to explain the existence of an ayuntamiento. Meanwhile General Kearny in 1847, probably without any power to do so, had granted or relinquished to the town the claim of the United States, not only to the pueblo lots, but to the beach and water lots not belonging to the town under Mexican law. The alcaldes and ayuntamiento continued to sell lots of both kinds in large numbers, unwisely removing the old restrictions, and granting many lots to one purchaser; there were many irregularities and even frauds committed in connection with the alcalde sales; and the Colton grants were made by a justice of the peace acting by authority of the prefect in opposition to the town council. While official reports, notably those of Peachy and Wheeler,[38] supported the pueblo title, and while the legislature in 1851 ceded to the city the water lots, yet so high an authority as the supreme court of California in its decisions of 1850–1 held the pueblo title invalid, reversing that opinion in decisions of 1853–7.[39] Meanwhile in 1851–2, Peter Smith, obtaining judgments against the city,

[37] See vol. iii., p. 702–8, for the pueblo organization. See also local annals of S. F. in this and earlier vols.

[38] Peachy's report of '50 to council in *S. F. Minutes of Assembly*, 154–9; *Wheeler's Land Titles in S. F.*, a report of '51 pub. in '52.

[39] *Woodworth vs Fulton*, 1 Cal. 295, and several later cases; 1st reversed in *Cohas vs Raisin*, 3 Id. 443, also in other cases, including *Welch vs Sullivan*, 8 Id. 165, in which Nathaniel Bennett—the judge who had made the decisions of '50—as attorney presented an elaborate brief against the pueblo title.

proceeded to have large portions of the town property sold by the sheriff, for nominal prices, in satisfaction of his debt.[40] When we consider also the pending Limantour and Santillan claims for the most valuable parts of the peninsula, it is not strange that the people became confused and excited in their ideas of land tenure, or that they came to believe one title to be as good as another, possession being best of all.

The San Francisco claim was presented to the land commission in 1852, and by that board confirmed in 1854, but only for the region north of the Vallejo line of 1834, regarded erroneously as the pueblo boundary.[41] In 1855 the city by the Van Ness ordinance granted its title to lands within its limits under the incorporation of 1851 to the persons holding bona fide possession at that time.[42] In 1858–9, as elsewhere recorded, the Limantour and Santillan claims were rejected, other rancho claims on the peninsula having meantime been finally confirmed or rejected; and in 1860 the great test case of Hart versus Burnett was decided by the California supreme court in favor of the pueblo title.[43] The claim of San Francisco, having

[40] See a good account of the Smith affair in *Annals of S. F.*, 370–7.

[41] This line extended from 5th and Brannan sts to Lone Mountain and thence to the ocean. The Zamorano doc. by which the gov. accepted this as the pueblo line was proved to be spurious. iii. 703–4. See also Dwinelle, add. 116–19.

[42] Ratified by the legislature in '58 and in '64 by an act of congress ceding the U. S. title for purposes of the ordinance.

[43] 15 *Cal.* 530; also separate pamphlet with comments by H. W. Halleck, pub. at S. F. '60. Edmund Randolph's argument against the pueblo title was also published. Wm C. Jones' *Pueblo Question Solved* was a pamphlet on the same side, largely in reply to Halleck's notes. Both R. and J. argued against the existence of a pueblo at S. F., and they put a weak cause in its best light. This decision included the validity of the governor's grants within pueblo limits, and also the invalidity of sales under execution for debts against the city (conf. by U. S. s. c. in '66. 5 *Wallace*, 326). After this decision the title to lots granted by the gov., conf. and patented by the U. S., was attacked on the ground that the l. c. had no jurisdiction by the act of '51, and the patents were void; but this view was overruled in *Leece vs Clarke*, 18 Cal. 535. Then it was claimed that a gov.'s grant of a pueblo lot gave a perfect title not needing presentation to the l. c. at all; and this point was not decided, the party taking this view being defeated on the ground that in his case the lack of boundaries made the title inchoate 30 *Cal.* 498. Holders of lots on the gov.'s grants conf. and patented, but within the city limits tried desperately to maintain their claims under the Van Ness ordinance; but the s. c. held that the town by that ord. had given only its own

been appealed to the district court in 1856, was transferred in 1864 to the United States circuit, and was confirmed in 1865.[44] By an act of congress in 1866 the United States ceded the government title to the city; the appeal was accordingly dismissed in the supreme court; and in 1867 the final decree of confirmation was given by the circuit court. The confirmation was for four square leagues bounded on three sides by the ordinary high-water mark as it was in 1846, excepting the military reservations and private claims confirmed; and the survey was made by Stratton in 1867–8. Ten years later a controversy was in progress, it being claimed by different parties that the Stratton survey had not correctly located the high-water mark. The survey was rejected, a new one made in 1883, and the patent was finally issued in 1884; but a controversy about the survey was still in progress two years later.

In 1880, or twenty-nine years after the land act became a law, there were four claims still pending in the courts on a question of title; in the case of ten others, no survey had been made; 48 surveys had not been fully settled; 27 were in the hands of the general land-office, presumably ready for patent; and 527 had been patented in 1856–80. The rate of final settlement from year to year is shown in the annexed figures.[45] In the annals of this long litigation, which

title with which that of the Van Ness holders must stand or fall. 9 *Wallace*, 315. A similar decision was rendered in a controversy between a Van Ness holder and a U. S. officer holding a military reservation, since pending the question between S. F. and the U. S. the govt could make reservations for public purposes. 6 *Id.* 363.

[44] *City of S. F. vs U. S., Opinion and Decrees*, a pamphlet pub. at S. F. 1865. John W. Dwinelle was the city's attorney before the district and circuit courts, and his brief published in 4 ed. from '63 to '67, with increase of comments and appendices, forms his *Colonial History of S. F.*, a standard work, which not only treats exhaustively of the pueblo question, but in other respects justifies its title.

[45] *Stratton's Report of Span. and Mex. Grants in Cal.*, 1880, in *Cal. Jour. Sen. and Assemb.*, 24th Sess., appen. The 4 cl. still in court were Las Cieneguitas, Carrillo, l. c., 328; S. Francisco lands, Sherreback, l. c., 795; S. José y Sur Chiquito, Castro, l. c., 546; and S. Pedro, Chapman, l. c., 512. It will be noticed that my figures of note 13, this chap., as based on the Hoffman list of 1862, are somewhat modified by this official report; 612 cl. were conf., 178 rejected, 19 discontinued, and 4 still pending in '80 of the total of 813.

may be said to have lasted in its most oppressive phases about fifteen years, there is much interesting and important matter, particularly bearing on the squatter controversies, that cannot be presented here for lack of space; while other topics, notably details of the process by which Californian claimants were plundered by speculating lawyers, must be passed over as well for lack of accurate data, though the general results are well known, and illustrative cases might be found. An unfortunate accompaniment of the struggle was the occasional resort of ignorant and unsophisticated natives, under the guidance of ignorant or rascally advisers, to clumsy frauds in support of good titles, a plausible foundation being thus afforded for the sweeping accusations of their enemies, and for the wide-spread belief, not yet extinct among even intelligent men, that most of the Mexican claims were fraudulent.

Throughout the period of litigation the squatter influence was potent in a hundred ways, direct and indirect, though, as we have seen, it failed at the start in bringing about a general revolt against law, equity, and treaty obligations. The squatters settled on Mexican grants, fenced in springs, raised crops, and killed cattle, devoting their gains to the costs of legal warfare against the owners. For years they had a secret league, with the moral support of thousands who were not members; and instances of armed resistance to legal ejectment, involving sometimes loss of life, were by no means rare. In too many cases the squatter interest, masquerading in the name of the United States, was the real opponent to the confirmation of equitable titles; in some instances it is supposed to have influenced the appointment of law agents representing the government; and it virtually controlled legislatures, juries, and the policy of congress-

The yearly patents issued were as follows: '56, 1; '57, 12; '58, 27; '59, 27; '60, 29; '61, 15; '62, 19; '63, 15; '64, 6; '65, 36; '66, 71; '67, 24; '68, 14; '69, 14; '70, 18; '71, 35; '72, 40; '73, 29; '74, 17; '75, 14; '76, 19; '77, 13; '78, 5; '79, 17; '80, 10.

men, so that the Californians had small chance for justice. In 1852, Senator Gwin, under this influence, had the assurance to introduce a bill, which happily did not pass, to give squatters a valid donation title to 80 acres on Mexican grants, charitably permitting the owner to select the same area elsewhere on public land.[46] By an act of the legislature in the same year, school warrants might be located on any land not yet confirmed to the claimant, and on such confirmation they might be moved elsewhere.[47] And again, an act of 1856 provided that all lands should be deemed public till the legal title was shown to have passed to private parties; that possession should be prima facie evidence of a right to such possession; that title under patent should begin with the date of the patent, and the owner could claim nothing for the use of the land before such date; and that a successful plaintiff in an ejectment suit must pay for improvements and growing crops or sell the land, the value in either case to be appraised by the jury! There were other oppressive features of this squatter law, but the act was the next year declared unconstitutional by the supreme court.[48] This shows the spirit of legislation, which I do not attempt to follow in detail.

It should not be forgotten, however, that the settlers as well as the grant-owners had their real grievances; and that while they included a lawless and unprincipled element, many, perhaps most, of them acted in accordance with their honest convictions. They could buy no good Mexican title, they could not find what was surely government land on which to settle. Educated to look with suspicion on all that

[46] Text of the bill in *S. F. Alta*, Dec. 12, '56. Gwin, in his *Memoirs*, MS., thinks this would have been an excellent measure!

[47] *Cal. Statutes*, 1852, p. 41–3.

[48] *Cal. Stat.*, '56, p. 54; 7 *Cal.* 1. There were also wise congressional enactments, general and special, in favor of the settlers, and not against the grantees, providing that purchasers under Mex. title finally rejected should have the preference in purchasing from the U. S.; and that an ejected squatter might recover his land if not included in the final survey, though this, in certain phases of the floating grants, was overruled by the courts. 14 *U. S. Stat. at Large*, 220; 33 *Cal.* 102; 9 *Wallace*, 299.

was Mexican, regarding many league grants as un-American and therefore wrong, naturally imbibing the current feeling that most of the grants were fraudulent and would be finally rejected, advised by their lawyers to become squatters and trust to the future, what wonder that they came to regard themselves as victims rather than workers of iniquity! And moreover, in many instances the land sharks deliberately set up false claims in the name of native grant-owners, and extended their surveys over the honest possessions of settlers with a view only to the levying of blackmail; and by their crafty misinterpretations of court decrees, laws, and alleged threats to owners ignorant of the English language and American ways, they stirred up various causeless dissensions. The evils of the time, except so far as they sprang from common defects of human nature, should be attributed mainly, not to the squatters or to any other particular class, but to the fundamental error of the United States government, of which more presently.

In 1860 Attorney-general Black made a report to the president on the California claims, a report devoted mainly to denunciation of the native Californians as forgers and perjurers, and of Mexican officials as worse if possible; to exaggerated allusions to the "organized system of fabricating land titles carried on for a long time by Mexican officials in California," when the making of false grants, with the subornation of false witnesses to prove them, had become a trade and a business; and to extravagant self-praise for his forethought in sending E. M. Stanton to California in 1858, and for the skill with which the documentary results of that mission had been utilized to defeat in Washington the gigantic frauds that had passed or were likely to pass unchallenged through the lower tribunals.[49] In reply, William Carey Jones wrote a

[49] *Black's Report of the Attorney-gen. on Cal. Land Claims*, Wash., 1861, 8vo, 14 p. B. notes an act of congress on May 18, '58, providing for criminal prosecution and punishment of any person prosecuting a Cal. land claim upon a false title.

series of letters in which he severely criticised the attorney-general's statements and theories, exposing with skill and fairness some of Black's blunders and false pretensions.[50]

In the later years there have been many attempts before the courts and congress to reopen some of the cases where fraudulent claims are alleged—and sometimes truthfully—to have been confirmed and patented. Such attempts have not been successful because, whatever the merits of the cases, not only the right of the government to reverse the decisions of long ago, but the policy of reopening the doors of land litigation, has been questioned. In 1876 the United States attorney, aided by able counsel, brought a suit in equity to reopen two of the cases before the circuit court; and judges Field, Hoffman, and Sawyer in concurring adverse decisions, besides considering the strictly legal aspects of the matter, dwelt most forcibly on the manifold and manifest evils that must result if the work of the old and extinct tribunals could be unsettled on allegations of fraud in transactions which those tribunals had investigated with special power and advantages. It was implied that congress might properly invest the courts with powers not now possessed to reëxamine fraudulent cases of a certain nature; but it was held that the frauds now alleged were not of a kind to justify the court, even if it had the power, in opening the way to endless litigation and a new unsettling of the California titles. That this was a correct view of the matter can hardly be questioned.[51]

[50] *Letters of William Carey Jones in Review of Att.-gen. Black's Report*, S. F., 1860, 8vo, 31 p. Says J.: 'If the matter shall ever be strictly examined, it will be found that the various acts of congress in relation to the claims to land in Cal., and the way that those acts have been administered, have had the effect in a large degree to substantiate what is false and discredit what is true. Ten years ago it would have been as feasible for a lawyer who was instructed in the subject-matter to detect a simulated grant here, as for a cashier of a bank to detect a false note, or a chemist a false coin; and this fact I have constantly stated from 1849 upward to the chief authorities concerned.'

[51] *Mexican and Spanish Grants*, decision of the court published in pamphlet form, S. F., '76, 8vo, 63 p. The claims involved were nos 421 and 96 of the l. c.

In conclusion, some general comment on the system adopted by the government and on its results is called for. All that can be truthfully said in commendation—possibly somewhat more in certain phases—has been presented directly or indirectly in the preceding pages of this chapter. We have seen that congress, though led to adopt exaggerated and inaccurate views of Californian affairs, acted for the most part honestly in its efforts to avert great dangers believed to be imminent in connection with fraudulent land grants; that senators were to a considerable extent justified in their feeling, not only that the supreme court would decide the claims equitably and justly, but that only the highest tribunals could be trusted with the disposition of such gigantic interests as were understood to be at stake; that the act of 1851 was well enough adapted for the settlement of the claims that the government seems to have had chiefly in view; that a liberal and equitable interpretation of law and treaty obligations was enjoined in the act and supplementary instructions; that the commission and courts did their work faithfully, with a commendable subordination in most cases of legal technicalities to justice; and that the final decisions, once reached, were in the aggregate as near an approximation to the right as could be expected under any system of legal machinery. It may be said, moreover, that when once the system had been put in operation the courts could do almost nothing, the government very little, to prevent the evils that appeared; and also that no system under the circumstances could have produced results entirely satisfactory, or prevented oppressive and ruinous litigation.

All this, however, though it reads like approval, is, so far as the government is concerned, only a somewhat overdrawn excuse for a system that in its application and practical results merits only condemnation. It was thoroughly bad in almost every respect. So uniform and overwhelming is the testimony to this effect

that citation of individual opinions is not required, Writers on subjects connected with Californian annals, journalists, judges of the different courts, lawyers who took part in the long litigation, public officials and private citizens, successful speculators like impoverished victims, squatters as well as grant-owners, residents and visitors, American pioneers no less than native Californians and Mexicans, all—as their testimony lies before me in print and manuscript—agree with remarkable unanimity that the practical working of the law was oppressive and ruinous; and I heartily indorse the general disapproval. True, there is some difference of opinion as to the relative importance of the various resulting evils; some of the judges deem themselves under obligation to suggest that most of the evils were "perhaps unavoidable;" and a few writers holding the original system of Mexican grants responsible for all blame, the United States chiefly, for not having rejected all the claims.[52]

It was to the Californians owning lands under genuine and valid titles, seven eighths of all the claimants before the commission, that the great wrong was done. They were virtually robbed by the government that was bound to protect them. As a rule, they lost nearly all their possessions in the struggle before the successive tribunals to escape from real and imaginary dangers of total loss. The lawyers took immense fees in land and cattle, often for slight services or none at all. The United States promised full protection of all property rights, and in theory they admitted the obligation to confirm not only legal but inchoate equitable titles; practically, by the system adopted they declared that every title should be deemed invalid until the holder had defended it at his own expense through

[52] I looked in *Gwin's Memoirs*, MS., expecting to find a defence of the act of 1851, and I found indeed a brief statement to the effect that the measure proved satisfactory, its wisdom being shown by the fact that under its workings land titles in Cal. were quieted in one third the time required in Louisiana and Texas; but space was precious and the champion of the squatters had only 30 or 40 pages to devote to long quotations from his speeches of '51 as quoted from the *Cong. Globe!*

from two to six fiery ordeals against a powerful opponent who had no costs to pay and no real interest at stake. Not only did they adopt a system which permitted this oppression, but their agents took advantage of the powers granted, and in a majority of cases continued the contest when all proper motives had ceased to exist. It was in no sense the protection promised by the treaty to finally confirm a title after a struggle of eight to twenty-five years when half or all the estate had passed from the possession of the original claimant; it was simply confiscation, and that not in the real interests of the United States, or of American settlers, but of speculating land sharpers. Senator Benton's denunciations of 1851 were justified by results; the senate was duly warned, though paying no heed, respecting the effects of its measure, with specifications of how they were to be produced, and illustrative references to experience with Spanish land claims in other states. If senators believed, as they apparently did, that nine tenths of the Californian claims were fraudulent, there was still culpable negligence and injustice in the failure to provide for a prompt and real confirmation of the remaining tenth.

The spoliation of the grant-holders was, however, but a small part of the injury done to Californian interests by the measure in question. The deplorable effects of unsettled land titles and ceaseless litigation, prolonged for over twenty years, would be apparent in advance to any thinker, and in California have been fully realized from actual observation and experience by men of all classes. In a sense there was no government land to be purchased; every occupant felt that his possession was threatened by squatters on the one hand or by grant-owners on the other; neither squatters nor grant-owners could sell, or dared to invest in extensive improvements; thus population was driven away, industry and development were stifled, and California was prevented for many years from utilizing her natural resources. We must also in this connection

consider the loss of life and property caused by the land controversies; the general demoralization and spirit of lawlessness, resting to no small degree on the uncertainties of land tenure, which gave our state so bad a reputation; the race hostilities that were fomented; the opportunities offered for wide-spread rascality and illegitimate speculation; and all the train of evils, moral and economic, that sprang largely from this source, and for which the government may be held in greater or less degree responsible. And we should not fail to note that besides the direct evils following this unfortunate legislation, there was a complete failure to effect the particular benefits in view. These benefits, as they existed in the imagination of the senate in 1851, were chiefly a diminution, or dividing-up, of the immense Californian estates, a corresponding providing of homes and small farms for American settlers, and the defeat of fraudulent claims. In no respect were these objects accomplished. Had the 700 and more genuine claims been promptly confirmed and patented, so that a good title could have been secured, large tracts of the state's best lands would naturally have been sold in small divisions to settlers at prices very low in the eyes of the latter, but high in the view of owners who had known no higher rate than $1,000 per league for the choicest ranchos. As it was, the estates passed for the most part into the hands of speculators who were shrewd enough and rich enough to keep them. Land monopoly in California is due less to the original extent of the Mexican grants than to the iniquitous methods adopted by our government; and as to the fraudulent claims it is believed that the worst ones were concocted, or at least, mainly fortified with supports of forgery and perjury after the commission and courts were fairly at work, and after the concocters had learned by experience what supports were likely to prove most effective. Not all would even have been submitted at first to a proper test, and few would have escaped detection

under practical as compared with legal methods of investigation.

I am well aware that it is much easier, especially with experience as a guide after the harm has been done, to criticise the system than to devise another to take its place and remedy its defects. It is no part of my duty to draught the bill that should have been passed by congress; but if it had to be done, my difficulties would be vastly lessened by the fact that so far as can be learned from my investigations, and the suggestions of others, there would be little danger of devising a worse plan than the one adopted. But for the national disgrace involved it would have been better to disregard treaty obligations and reject all the claims; for then the grantees might have preempted a small tract adjoining their buildings, or have migrated to Mexico, or revolted and been promptly killed. As has often been remarked, it would have been infinitely better to promptly confirm all the claims, both valid and fraudulent. The first method proposed to congress in 1848–9, that of a commission to investigate and present a detailed report in 1851, might have had its advantages, if followed by the prompt confirmation en masse of all but suspicious and apparently unfounded claims. Fremont's bill, insomuch as it made the decision of each tribunal final as against the United States, was better than its successor. Benton's bill, in general accord with Jones' report, providing for an authorized record and survey, the government reserving the right to contest claims of certain classes, was founded on a just appreciation of the situation. Hittell says the Californians "were entitled to the confirmation of their titles, after an examination as brief and simple as the circumstances would permit, and with as little expense as possible. The government should have made a list of all ranchos, the possession of which was matter of common notoriety, and mentioned in the archives; should have confirmed them summarily, then surveyed them

and issued patents. The claims which were not mentioned in the archives, or had not been reduced to possession, might properly have been subjected to judicial inquiry."[53] Crosby, a lawyer who took part in many of the land cases, recommended to Senator Gwin the adoption of a plan providing for a board of registration to record claims, take evidence, and turn over each case as soon as completed to the surveyor-general for prompt survey, disputed boundaries to be settled by arbitration, the survey to be final, and a patent to be issued after one year had been allowed for interested parties to present their claims or charges of fraud in the district court.[54] Henry George, the opponent of land monopoly, suggests that the United States might well have confirmed to the grant-holders a certain area around their improvements, "and compounded for the rest the grants called for by the payment of a certain sum per acre, turning it into the public domain."[55] R. C. Hopkins, keeper of the archives throughout the period of litigation, believes, like Jones, that neither the distinguishing between genuine and fraudulent claims, nor the fixing of the bounds of the former, would have presented any great difficulties to a practical man; and he thinks that the employment of such men, familiar with the people, customs, and language of the country—men like Spence, Hartnell, Stearns, or Pablo de la Guerra, for instance—in some capacity should have been a feature of the best plan.

[53] *Hittell's Hist. S. F.*, sec. 89; see also the same author's *Resources of Cal.*, article in *Hesperian*, iv. 147–55; and many articles in the *S. F. Alta* and other papers. H. has always persistently and consistently denounced the land law as opposed to the true interests of Cal., and his services in this respect are gracefully acknowledged by Dr Royce, *Squatter Riot at Sac.*, who with equal earnestness and more philosophy has taken similar views of the matter, which is treated by him more ably than by any other writer, not only in the article cited, but in his *California*. Did space permit I might give many and long quotations of different authors in this connection.

[54] *Crosby's Events in Cal.*, MS., 67–78. This writer gives a clear account of the whole matter, showing in clear light the evils resulting from the act of '51

[55] *George's Our Land and Land Policy*, 14–17. This author gives a very fair view of the general subject, though dwelling particularly on the bogus grants and swindling operations.

Clearly a prompt settlement was the great thing to be desired for all interests, much more important than the detection of a few petty frauds; and the whole matter should and could have been ended in five years at the utmost; most of the claims should have been confirmed, surveyed, and patented in less than three years. Litigation should have been confined to a few test cases; seven eighths of the claims should have been included in a sweeping confirmation on general principles; and the expense should have been borne by the government. Let us hope that the time may come when the united wisdom of the nation in congress assembled shall equal the practical common sense of the average business firm, and the honesty and efficiency of officials shall equal the honesty and efficiency of average business clerks; then shall we have four times the justice that we now receive, for one fourth of the cost.

CHAPTER XXI.

FILIBUSTERING.

1850–1860.

Attractions of Spanish America to Unprincipled Men of the United States—Filibustering in Texas—The Morehead Expedition from California to Mexico—Failure—Charles de Pindray's Efforts and Death—Raoulx de Raousset-Boulbon's Attempts at Destruction—Capture of Hermosillo and Return to San Francisco—Trial of Del Valle—Raousset's Death at Guaymas—Walker's Operations—Republic of Lower California—Walker in Sonora—Walker in Nicaragua—His Execution in Honduras—Crabb, the Stockton Lawyer.

The metallic wealth of southern and central America was the magnet which drew the Spaniards on to seizure and spoliation. This was conquest; and so rapidly was it accomplished that their Gallic and Anglo-Saxon neighbors found left for them only the meagre remainder in the outskirts. Yet resolved to have a share of the treasure, they, in turn, levied on the Iberians. The circumstances under which this partition was effected gave rise to the term filibustering, interpreted as piracy by the sufferers, and softened by the aggressors into freebooting under shadow of prevailing war. With the march of progress and settlement the chronic yearning for Spanish America on the part of the United States increased; but rising above the vulgar pillage of the privateer, it coveted more especially the land with its resources in soil and mineral veins. Austin had sampled the quality of their goodness in Texas, and pronouncing it delectable; Houston slipped the booty into the union. So rich a morsel whetted the appetite for more. Mexico

ventured to remonstrate, and was mulcted for her temerity in the map-revision which placed California, New Mexico, and the intermediate country north of the boundary line. "Filibuster!" cried the losers, in impotent rage; and flattered by the revival of an antique epithet gilded by daring achievements, the Gringo nodded approval.[1]

The weakness of Mexico, as shown by the United States invasion of 1846–7, and by her subsequent anarchic succession of rulers and frequent local and general revolutions, served to call attention to a condition favorable to a further adjustment of boundary. This view was gaining such wide recognition as to enter into party speculation, the embryo confederacy adopting it as a compensating means for the failure to plant slavery in California. Herein lay no robbery to them. It was manifest destiny that the stars and stripes should advance with culture to the natural limits of the Isthmus, perchance to Tierra del Fuego.

With the example and fame of Houston before them, prophets rose plentifully to enunciate this gospel; and in California especially these expectant founders of states met with eager listeners. It was a land of adventurers, drawn by the thirst for gold and excitement, and stirred by a reckless gambling spirit. The cream of the gold-field had apparently been secured by the first comers, for the following hordes found, instead of mere skimming, harder work than had entered into their calculation or mood. A large proportion preferred to dream of virgin sources beyond the usual haunts, to distant fields enshrined in mystery. Their eyes turned readily to Mexico, the mother country of California, and for centuries renowned for her mines. Rumor had long since planted gold and silver mountains in Sonora, and scattered nuggets below the Gila in such profusion that the dreaded Apaches moulded from them their bullets. It was a

[1] See *Hist. Cent. Amer.*, ii., this series, for origin and doings of the filibusters.

thirst for easy and sudden acquisition akin to the restlessness inherited from the western backwoodsmen, who were ever moving onward to new settlements.

The agitation took shape in 1851. After various conflicting reports, which at one time fixed upon the Hawaiian Islands as the victim,[2] then fitted out a pirate vessel at Sydney to intercept the gold shipments by way of Panamá,[3] attention settled upon the southern border, where constant strife held out the temptation to daring spirits for siding with some faction, and so acquire booty if not foothold. J. C. Morehead, during the preceding year, had risen into notice as the leader of an expedition against the Yumas under gubernatorial appointment; but the cloud dispelled before he reached the scene.[4] Still thirsting for blood and glory, he received one of those invitations which rebel leaders in Mexico were not backward in extending, though slow to fulfil. The military promenade to Colorado, having served to point out to his followers an easier and more alluring method of earning money than by hard digging, an organization was quickly effected. One small division marched by way of Los Angeles to Sonora; another appeared subsequently at La Paz; and Morehead himself sailed in May with a company for Mazatlan. A proclamation issued by the United States government against such movements served to interfere with a complete enlistment, and on reaching Mexico the broken bands found the aspect so changed or unpromising that they were glad to slink away under the guise of disappointed miners.[5]

[2] Sam Brannan, Estill, and others had made suspicious movements, and the king of the Islands gave vent to his alarm in a speech before his parliament, in appeals to the U. S. commissioner, and in taking steps for defence. *Alta Cal.*, May 15, 1852. In 1854 two persons came to S. F. to organize an expedition, to which the attention of the authorities was called, but nothing resulted. *U. S. Gov. Doc.*, Cong. 33, Sess. 2, Sen. Doc. 16, vi. 101-2.

[3] *White's Stat.*, MS.

[4] As mentioned in the chapter on Indians.

[5] For references and details, see *Hist. North Mex. States*, ii., under Son. and L. Cal. Morehead narrowly escaped arrest at San Diego. *Alta Cal.*, May 17, 1851. The Jefferson Davis clique had not then acquired control at Washington.

Mexican rebels were evidently too capricious to be relied upon; but the superior government itself was at this time presenting inducements for seekers after glory. It had struggled since 1848 to establish military colonies for guarding the frontier against Indians, as well as the neighboring republic; yet the good pay and grants of land failed to tempt its indolent citizens from congenial home surroundings to irksome border duty. Others there were, however, who saw herein a stepping-stone to higher levels. Race prejudice ran wild in those days in California, and Frenchmen received a share of the ill feeling directed against Hispaño-Americans, or greasers,[6] so that hundreds of them were driven from the mines to earn a precarious subsistence in the towns.[7] Common persecution attracted them toward those of the Latin race, and to the gilded tales of the border region, and the Mexican government felt encouraged by their dislike of the United States to accept their services as frontier colonists, with permission to open mines. Some seven-score accordingly departed at the close of 1851 for Cocospera Valley, in Sonora, under the guidance of Charles de Pindray, a reduced French nobleman.[8] As might have been expected, the sorely harassed authorities failed to keep their engagements, and the consequent distress produced desertion, accelerated by the sudden and suspicious death of Pindray.

The dissatisfaction among the French with their condition in California was too great to be eradicated by one check, and it required only a renewal of offers to revive the Sonora gold-fever under another leader. This personage was at hand in Count Gaston Raoulx de Raousset-Boulbon, a figure of somewhat Lilliputian stature and reputation as compared with the Apollo-Herculean proportions of his defunct predecessor, yet big with the soaring spirit of chivalry infused by fam-

[6] Causes and outbreaks related in the chapter on mining for 1849–56.
[7] Partly from ignorance of English, and of any useful trade.
[8] An Apollo-Hercules, who had hunted game for the S. F. markets. Details in *Id.*

ily tradition,[9] and with an ever-smouldering enthusiasm to carry into effect the glowing fancies of his day dreams, which pictured him another Bayard or Lafayette on the path to military achievements. And it must be confessed that nature had not altogether neglected him for the rôle at least of figure-head for some romantic enterprise.

Although rather petit and slender, his figure was graceful, with a handsome oval face and strongly marked features set off by the characteristic French mustache and imperial, of blond hue. His eyes, bent in dreamy reverie or sunk in pessimist gloom, turned readily into fiery resolution or flashed in accord with an imperious gesture. The voice, unaffectedly commanding or animated to eloquence, could thrill with encouragement or sway with charm of song or conversation. Skilled with pen and pencil, his verse or sketch shone beside the sword and rifle, and he managed the bridle with grace and dash. Although sustained by such talents, his ambition had declined under the practical unfoldment of Europe to a visionary colonist undertaking in Algiers, relieved by occasional hunting tours and military incursions. It was an existence forced upon him by a season of extravagance in the giddy whirls of Paris, to which he returned only to meet another worse rebuff in the political turmoils of 1848, as editor and republican candidate. Crushed both in aspirations and fortune, he availed himself of the gold excitement to join the hegira to California, and here penniless he sank from hunter and miner to laborer, yet clinging to the hope of some higher destiny.

The undertaking of Pindray had not failed to kindle his imagination. With the advice of the French consul he repaired to Mexico, where similar colonizing schemes had been long agitated. He assisted in giving shape to the Restauradora Mining Company, under patronage of President Arista, for opening neglected fields in northern Sonora, and arranged to bring a

[9] He was born at Avignon in 1817, of a decayed province family.

body of French to protect the operations of Mexican colonists against the Apaches, in consideration of receiving ammunition and supplies, half of all land and mines and trading profits. So alluring an offer quickly brought a host of recruits at San Francisco. He selected 260 men, and with them arrived at Guaymas in June 1852.[10]

The prospect held forth in the project had meanwhile brought another mining company into the field, whose intrigues roused the jealousy of the Mexican officials and army men against the entry of an independent foreign command. Denounced as an intruder, Raousset found every possible obstacle thrown in his way, notwithstanding the ostensible sanction of his contract by the federal authorities. He nevertheless forced his way toward the frontier, but with supplies cut off and rear threatened, he saw that his party would soon melt away. The colonization plan mattered little to him, save as a means to obtain for himself the proud distinction of a commander; and finding himself at the head of so large a body, composed to a large extent of old soldiers, the half-curbed ambition of the little count began to assert itself for feats more in accord with his dreams than garrison duty among red-skins. What might have been his course if the authorities had kept faith with him can only be conjectured. The lack of faith on the part of the Mexicans justified almost any step; and his desire was fanned into a flame by the vague promise of support from some of the frontier settlers, who were disaffected on account of the neglect of the authorities to protect them against savage raids.

He despatched agents to San Francisco and Mazatlan for stores and reënforcements, and marched south with his now ragged brigade of 250 men, intending to surprise Hermosillo, the most important town of So-

[10] In the *Archibald Gracie*, the Mexican consul assisted to overrule the objections of the U. S. officials. Americans were as a rule excluded to humor Mexican prejudices.

nora, and there dictate demands for justice, though really to prepare for the independence of the state, sustained by the expected immigration and revolutionary factions. A love affair delayed him, and enabled General Blanco to occupy Hermosillo with 1,000 men. Nothing daunted, the fiery Frenchman led his followers to the assault, and with the aid of four guns carried the place, on October 14th.[11] The triumph proved fruitless, however. The Mexicans were not prepared to yield their place to foreigners. The proposed allies held aloof, and an outcry concerning foreign annexation served to unite hitherto hostile factions against him. The only hope of the French lay in reënforcements; and while awaiting them it became necessary to retire from the midst of the gathering Mexicans to the safer shelter of Port Guaymas. Then Raousset fell sick with climatic fever, and discord broke out among his followers, of which the authorities took advantage to persuade them to deliver up their arms for a small consideration and depart.

Raousset, who had been no real party to the surrender, returned to San Francisco to receive the most flattering recognition as the victor of Hermosillo. The speed with which he had wrested the chief town from the military forces of the state confirmed the belief that an invasion could be easily effected, and the enthusiasm roused by his feats gave promise of ready material for a repetition of the enterprise, while the custom-house at Guaymas was expected to provide ample means. On repairing to Mexico in the middle of 1853 to claim indemnity on the broken contract, though more properly to seek aid and pretexts for fresh plans, he found his old patrons favorably disposed, and the French minister seemed prepared to foster a project that might lead to great ends. France was then striving for a revival of Napoleonic glories, with a predilection for colonial conquests as exhibited

[11] At a cost to himself of 17 killed and 25 wounded.

in the subsequent expedition to Mexico. Dictator Santa Anna failed, however, to grant any concessions, while delaying the count with idle promises, until Rousset in exasperation formed a league with the federalist rebels, and hastened away thirsting for vengeance.[12]

At San Francisco, also, he found himself checked by the American rival scheme under Walker, whose influential supporters at Washington induced the authorities to exert a watchful interference upon any disturbing French movements. Startled by the double design, and especially by Walker's projects, Santa Anna sought to counteract both by instructing the Mexican consul at San Francisco to step in and engage for Mexican service the most likely filibuster material, except American, with a view to scatter it in small and readily controllable groups in the coast states.[13] Not aware of the latter intention, Raousset was elated at the unexpected aid extended to his plans by the Mexican government itself, in offering passage and support to his followers. About 600 were quickly enrolled, and packed on board the *Challenge* in one body, by the blundering consul. Regarding this manœuvre as directed mainly against themselves, the Walker party stirred the authorities that they might realize the enormity of so flagrant a violation of the neutrality laws, and the *Challenge* was seized in March 1854.

For some reason the vessel was released and allowed to proceed early in April, although with her passengers reduced in accordance with the tonnage act to not quite 400, mostly French, of a motley description, with some Irish and Germans.[14] The oppor-

[12] He obtained at S. F. offers of substantial aid, which were withdrawn when news came of the Gadsden purchase, with rumors affecting the cession of Sonora.

[13] The terms were $1 a day, with rations, arms, election of their own officers, and aid to settle as colonists after expiration of the year's service.

[14] *Alta Cal.*, Mar. 22-3, Apr. 1-2. The reason for the release may be sought in the glaring discrimination exhibited shortly before in favor of Walker's enlistments, and in the harmless character of the party.

tunity herein presented, however, of teaching the Mexicans a lesson, was too good to be lost. Their government had lately complained with justice against the United States for countenancing filibuster enrolments. All responsibility could now be thrown off by arraigning their consul, Del Valle, for a similar infringement of the neutrality laws. He was accordingly arrested and pronounced guilty. During the trial both sides demanded the testimony of P. Dillon, the French consul. A recent convention with France forbidding any compulsory citation, a mere polite request was made for his attendance, yet, on refusing, he was forcibly brought into court,[15] whereupon he indignantly struck his flag. He was soon after arrested as an abettor of Del Valle's enlistment; but as the defence showed the expedition to be the very opposite of a filibustering affair, one aiming to check such movements, the jury disagreed.[16] The difficulty and danger of convicting the French consul naturally affected his confrère, and so the better course was taken to impress upon the Mexicans the magnanimity of the United States by dismissing the case against both. Due apology being tendered, the tricolor was once more floated on the breeze.

Raousset had arranged with the *Challenge* party to follow them with more men; but the discomfiture just then of Walker dampened the ardor of his adherents. Yet his only hope lay in Sonora, and so he slipped away in a pilot-boat,[17] reaching Guaymas July 1st, after a severe voyage. The sweets of power and profitable idleness had by this time imbued the com-

[15] The judge decided that compulsion was not permissible.

[16] May 26th, all but two stood for conviction on the ground that any enlistment for military purposes was against the law. Full report of proceedings in *U. S. Govt Doc.*, Cong. 35, Sess. 1, H. Ex. Doc. 88, x. 134–51; *Alta Cal.*, April to May, June 1, July 14, 1854; Dec. 3, 1855; *S. F. Herald*, April 1 et seq., June 1, 1854; *Cal. Chronicle*, June 1, 1854; *Annals S. F.*, 531–5; *S. F. Post*, Sept. 7, 1878. Dillon was in 1856 promoted to consul-general and charge d'affaires at Santo Domingo, and died there soon after. *S. F. Bulletin*, May 7, 1856.

[17] The *Belle*, with six men and nearly 200 rifles. The prospect of being involved in the consular trial hastened his departure.

manders of the party with a distaste for hazardous enterprise, and rather than surrender their office to another they would play into the hands of General Yañez, the new military chief of Sonora. Aware, on the other hand, that in unity lay their only safety and means for enforcing the favorable contract with the government, they had sturdily resisted the efforts to separate them, especially after Walker's failure diminished the filibuster scare. Raousset was led to believe that Yañez stood prepared to break with Santa Anna, and would be glad to form an advantageous alliance. The general certainly desired to strengthen his position for the prospective political changes, and seeing in the French complication a justifiable reason for doing so, he entered into the negotiation to gain time for the reënforcements. And so the count allowed himself to be outwitted by both parties, and lose the favorable opportunity of securing at least Guaymas, with its valuable custom-house and vessels. The gathering troops at length opened his eyes. The French battalion also perceived their error, and that in resolute action alone lay the remedy. Confident in his strength, Yañez cast aside the mask, and refused to entertain any proposals, whereupon the French marched against his barracks in three columns.[18]

With harmonious coöperation, under the inspiring guidance of Raousset, the attack had many prospects for success; but he committed the mistake of declining the command in order to allay the jealousy of the existing leader's clique. The result was, that the main column was demoralized by the first sweeping fire of the Mexicans. The disorder spread, leaving Raousset with only a handful of supporters, whose heroic efforts were wasted. A portion had fled to a vessel, which overtaken by a storm buried their shame beneath the waters of the gulf. The rest fell back to the consulate before the now advancing garrison, there to surrender

[18] In four companies, of about 75 men each, swelled by French residents to about 350 in all.

with the concession barely of life. With the exception of a few, who were allowed to depart or join the army, they were thereupon sent into the interior to endure great suffering ere the French minister obtained their release.[19]

The vague terms of the capitulation were ignored as regards Raousset, and he was condemned by court-martial, and shot on August 12th, a month after the battle. He lacked clearness of head, tact and prudence for carrying out the projects conceived by an exalted ambition. Dash and fervor, name and personal attractions, were not sufficient to sustain them. His purposes were thwarted by a fitful, misdirected energy; personal indulgence was permitted to imperil the victory at Hermosillo, and lack of firmness and prompt action lost to him the advantage gained thereby, as it did the ready triumph at Guaymas. The petty schemes to which his high dreams dwindled demanded for success the same unscrupulous keenness used by intriguing rivals and opponents, rather than his somewhat rigid principles of honor. They appeared out of place in this ferment, save to impart a redeeming lustre to his character.[20] Discouraged by repeated failures, he rather courted death, and met it with the proud fortitude of one whose vanity was flattered by the sympathetic admiration, especially of the Mexican women, and whose erratic imagination sought through the bullets consecration as the martyr of a great cause, as an heroic if unsuccessful liberator.

The possession of some of the qualities lacking in the French count enabled a contemporary American filibuster to attain to far greater achievements and distinction. We instinctively connect the leadership of a great enterprise or party with a man of com-

[19] For details concerning the expedition, I refer to *Hist. North Mex.*, ii., this series, with references to the authorities.

[20] He could have saved himself had he chosen to desert his companion; and he might have secured many advantages at Mexico by considering only himself.

manding presence to supplement that personal magnetism which commands followers. But Raousset was diminutive, and in the Tennessee lawyer, William Walker, the ideal is marred by a still more puny stature, and an unprepossessing exterior, marked by light towy hair, and a heavy freckled face, surmounted for a long time by a huge white fur hat with a wavy nap, well in accord with the strapless pantaloons, ill-fitting coat, and stalking gait.[21] A relieving feature was the seemingly pupilless gray eyes, their large orbits, half concealed by white eyebrows and lashes, at once repelling and fascinating with their strong, steady penetration.[22] While reflecting none of the emotions working within the little man, their icy stare indicated only too plainly the unscrupulous nature to which everything was subordinated. His reserve melted not even in genial company from the stolid indifference which deepened into absolute heartlessness. Slow of speech, swift in energy, with a sharp pen ever ready for attack; brave and resolute to obstinacy; a slumbering volcano, repellant save in its snow-fringed deception, and burning with ambition for a fame of wide range—herein lies an explanation why he abandoned the sedate medical path staked out for him, to enter the more seductive mazes of the law, and failing, to seek as editor a vent for his pent-up aggressiveness.[23]

The French operations in Sonora had served to rouse the similar slumbering projects among the Americans, even in distant Washington, where it took shape in the Gadsden's purchase of the Gila region. And many men, with nothing to lose save life, stood ready to risk it for a possible fortune and the attendant excitement. Walker saw an opportunity; and follow-

[21] Warren believed that he could not have turned the scales at 100 lbs. His unprepossessing 'appearance was that of anything else than a military chieftain.' *Dust and Foam*, 211–12.

[22] 'The keen, sharp flash of broken steel in the sun,' says the poet Miller.

[23] Birth and early career have been touched in *Hist. Cent. Am.*, iii., and *Hist. North. Mex.*, ii., this series; also *Field's Remin.*, 93; *Bowman's Newspaper Matter*, MS., 33.

ing the cue already given, he sought at Guaymas, in the summer of 1853, a grant for a military frontier colony against the Indians; but the government shrank in distrust before an offer so singularly disinterested. The sheep-clothing could not hide the wolf. Unabashed by the termination of his farce, he returned to San Francisco, determined that the state should have his protection whether it willed or not. If Mexico could not shield Sonora from cruel savages, then must humanity step in. The United States had neglected its pledge to restrain the red-skins, and Walker felt bound to interpose in behalf of his country's honor. Raousset's renewed efforts gave spur to his own. Eager to forestall him, and profit by the enthusiasm which his contracts and victories had tended to rouse, he opened a recruiting office, baited with prospective plunder, and the offer of a square league of land for each man. A large number took the bait, and still another host of passive participants nibbled at the scrip, which, representing land in the prospective republic, was freely tendered at a liberal discount. Money was plentiful in those days, and the investment appeared as an attractive lottery, with perchance some prize to be drawn from out the battles. It was argued that the uprising in one section might induce neighboring states to join for eventual absorption in the union; the war in itself to prove a strong appeal for United States interference, if only to stop bloodshed.[24]

The brig *Arrow* was now chartered for the proposed colonists, and provided with stores and a generous quantity of rifles and six-shooters wherewith to develop the resources of the country. The military commander in California at this period was General Hitchcock, a man so blind to the weather-vane of political exigencies as not to understand the value of

[24] 'They intend to arm the Apaches against us,' cries one journal. *Sonorense*, March 28, 1851. For additional details on this expedition, I refer to my *Hist. North Mex.*, ii., this series.

Walker's implements for industrial unfoldment, nor to perceive his right to distribute the lands of a friendly neighbor. He accordingly undertook to seize the vessel, only to discover his mistake when other wiser officials caused it to be released, and when General Wool was sent to replace him, with headquarters planted at Benicia in order to allow freer play to the champions of enterprise. It is sufficient to point out that Jefferson Davis was secretary of war at the time, and that the Gadsden purchase was then under consideration, in order to guess at the complications apt to arise from a successful revolution in the border states.[25]

Meanwhile Walker slipped away in another vessel, the *Caroline*, during the night of October 16th, with four dozen followers, leaving reënforcements to follow. Guaymas was the announced destination, perhaps to mislead the enemy, which, indeed, made formidable preparations in Sonora. The smallness of the party precluded hope in this direction; and as future enlistments and credit depended on early successes, the isolated and weaker Lower California was selected for the initial point. On November 3d the vessel crept into La Paz under cover of a Mexican flag, and finding all unsuspiciously quiet, Walker pounced upon it, seized the governor, and gained possession without firing a gun.[26] No less mighty with the pen than the sword, he thereupon proclaimed the Republic of Lower California, distributing official honors among his band with lavish generosity. After thus conferring sovereign independence upon the people, he further sought to please them by abolishing the heavy duties under which they had so long been groaning, a double bait to cover the barb contained in the adoption of the code

[25] Mexican officials protested as late as Jan. 1854, and were assured by Hitchcock that the government was seeking to check the Walker movement; but as it failed, Mexico undertook to do so, with the result that their consul was arrested, as explained. As late as Aug. 1854 Wool was instructed not to anticipate or interfere with the civil authorities in cases of unlawful expeditions. *U. S. Gov. Doc.*, Cong. 33, Sess. 2, Sen. Doc. 16, vi. 102.

[26] A new governor arriving just then was also secured.

of Louisiana for a constitution. The publication of the text was wisely deferred, lest the Mexicans, with their democratic instincts and admixture of negro blood, should shrink before its revolting slavery clauses. Although little concerned at the nature of his measures, so that they served his purpose, Walker based his advocacy of slavery on lofty grounds, as a missionary scheme for civilizing the blacks, while assisting to liberate the whites from degrading manual labor.

The prestige acquired at La Paz had to be preserved; and as it might at any moment be dimmed by a detachment from the other side the bay, the filibusters resolved to seek a still safer base for operations. Their preparations for departure so fired the patriotism of the Mexicans that the entire town rose in lively chase of some stragglers. Walker promptly turned his guns upon them and landed to the rescue, whereupon the natives retired, with some casualties, it is claimed. Thus was the liberator's expedition baptized in blood, in the glorious battle of La Paz.[27]

A few days later the party appeared at Todos Santos Bay, the new headquarters, whose desert surroundings and paucity of inhabitants promised to be safeguards against molestation, while the proximity to the United States frontier must serve to inspire greater confidence for the invasion of Sonora. Unfortunately the scanty population centred in a military colony whose destitution had infused a desperate courage into an otherwise harmless soldiery, and finding the rancho stock to be rapidly disappearing under the appetite of American foragers, their stomachs filed a stimulating protest. The result was a series of harassing attacks, abetted by the rancheros, whose stolid comprehension could not grasp the advantage of exchanging insecure, elusive property like roaming cattle for the title deeds to fixed landed estates offered

[27] The Mexicans also claimed the victory, pointing in proof to the hurried departure of the invaders.



Lower California.

by Walker's band.[28] But reënforcements were at hand.

The victory at La Paz had roused wide enthusiasm at San Francisco. Her editors extended their welcome to the new republic into the sisterhood of states,[29] and her vagabond population offered their aid to build its fortunes. Indeed, H. P. Watkins,[30] vice-president of Walker's republic, quickly enrolled some 300 of the claimants for glory and plunder in Colorado desert,[31] and despatched them in the middle of December to Todos Santos, greatly to the relief of the criminal calendar. Walker now began to drill and forage for the march into Sonora, to which the peninsula was formally united under the title of Republic of Sonora. But discontent was already spreading. To the newcomers had been pictured rich churches and well-stocked haciendas, inviting to pillage and plenty. They found instead only arid ranges with a few mud huts, and with scant rations of corn and jerked beef, which were not calculated to cheer the flagging spirit for a tramp through the wilderness to face the lines of bayonets beyond. Lash and even executions availed not, and when, after a suicidal delay of three months, the start was made, in the latter half of March, barely 100 men fell into line. A week's journey through the desert, while at their heels hovered the Cocopas, who sniffed their beeves, served to dispel among the rest all lust for the spoils of Sonora. On reaching the Colorado River only 35 ragged liberators remained, chiefly ministers and other high officials who were loath to relinquish the glittering titles that placed them above common men. Before such a series of reverses the ardor of Walker himself had to yield, and he

[28] The captive governors availed themselves of the turmoil to bribe the captain of the vessel to slip away with them.

[29] *Alta Cal.*, Dec. 8, 1853.

[30] Walker's law partner at Marysville, dubbed colonel.

[31] Later enlistment notices in *Alta Cal.*, Jan. 3, Feb. 1, 1854. At Sonora the hot-bed for rowdies, an enthusiastic meeting was held on Jan. 17th, Baird, Walker's quartermaster, and others making stirring speeches in behalf of liberty and humanity in the namesake state. The bark *Anita* left Dec. 13, 1853, with 230. Others took the steamer to San Diego.

turned to rejoin the handful left behind to hold the country. Encouraged by the waning strength of the foe, soldiers and settlers gathered with fresh zeal for the fray, and gave impulse to the retreating steps of the filibusters. At the frontier the harassed stragglers were met by United States army men, who, on May 8, 1854, took their parole as prisoners of war with unwonted consideration, and provided them with free passage to San Francisco. Walker was arraigned for infringing the neutrality laws, and acquitted.[32]

Although the verdict was manifested by a defeat of justice, the public as a rule approved it. The expedition, once so lauded, was already branded as a piratical raid, and the cause of humanity had passed into a joke; yet a flattering conceit hovered round the grandeur of the plan and the daring of the enterprise, which served to wreathe the leaders at least with a halo of romance.

Walker passed out of sight for a time within an editorial sanctum;[33] but his fame had gone abroad, and his busy pen propped it assiduously in correspondence with Spanish America. His reputation as an able and brave leader, with influence for rallying adherents, perchance with official backing, had floated on swelling rumor to distant Nicaragua, where the Granada and Leonese factions were then busily squandering blood and treasure in the strife for power. The Leonese, being defeated, looked around for aid, and bethought themselves of the little California editor. The longed-for opportunity had come. Casting aside the quill, he hastily enrolled threescore choice comrades, and stole away in the *Vesta* on May 3, 1855.[34] His career

[32] Assisted by the well-calculated failure of the consular trial just ended. Watkins and Emory had been arrested shortly before for enlisting men, and fined $1,500 each, but the sentence was never enforced. Watkins, pioneer of Marysville, represented Yuba in the state senate in 1858, and died at Oakland, Dec. 28, 1872, age 53. *Marysville Appeal*, Jan. 4, 1873; *Alameda Gaz.*, Dec. 27, 1873; *Colusa Sun*, Apr. 11, 1874; *Alta Cal.*, June 3, 16, Oct. 13–20, 1854.

[33] *Alta Cal.*, June 16, 1854.

[34] The sheriff had laid an embargo for a heavy grocer bill, but his deputy was made captive till the vessel reached the high seas. Others followed in

after this is better known to the world than the fiasco in Lower California. His skill and energy turned the scale in favor of his allies, who rewarded him with the position of generalissimo. Success brought more personal adherents to his banners, and fired with ambition, he vaulted into the presidential chair, changing religion to court the masses. Casting prudence to the winds, he perpetrated one outrage after another, till the exasperated natives rose to expel him in 1857. During the subsequent futile efforts to regain a foothold, he visited California to cast his nets for means,[35] but failed to gain any sympathy, and his execution in Honduras in 1860 evoked not a ripple of regret.[36]

In Lower California circumstances were against him, although the long delay at Todos Santos detracts from his otherwise resolute promptness. In Nicaragua his own heedlessness, as in rousing the enmity of the influential navigation company, and in forcing a needless and repelling slavery act upon the people, served to cut short a career which might otherwise have borne him to the summit of his ambition. His skill as a projector and commander were shackled by unreasonable obstinacy, tinged with a fatalistic belief in his high destiny as a liberator and standard-bearer for the United States. His cold unscrupulousness withheld admiration, and divested him of the romantic glamour which infolds the less important achievements of the gallant Raousset-Boulbon. And so the brilliant efforts which might have taken rank with those of a Houston sank under the aspect of indifference to freebooting schemes, and the gray-eyed man of destiny dwells in memory as a pirate.

the steamer, under the guise of through passengers for the eastern states. They entered under a contract for men and arms transferred to Walker by an American of Nic.

[35] His silence while at S. F. in March 1859 augured new schemes, and a vessel in the harbor attracted suspicion. His old partner, Henningsen, was then enlisting men in the east for Arizona. *S. F. Bulletin*, March 31, 1859; *S. F. Post*, Jan. 11, 1879.

[36] Full account of his career during 1855–60, in *Hist. Cent. Am.*, iii., this series.

To the ordinary observer, the failure of Raousset and Walker in Mexico appeared mainly due to a lack of prompt and harmonious action; and this being remediable, their projects, so fraught with flattering success and notoriety, continued to find advocates. The acquisition of the Gadsden tract served to open a part of the desired field to gold-seekers, and to renew the belief in a further extension of United States dominion; while the approximation of its borders to the other delectable portion of Sonora held out the allurement of readier access by land, with a near refuge in case of defeat. The continued struggle of factions in the state added to the opportunity; and fired by the brilliant progress of Walker in Nicaragua, the lingering filibuster leaped forth once more. The leader on this occasion was Henry A. Crabb, a lawyer of Stockton, and a prominent whig in the state senate, with decided southern proclivities. The old story of patriotism and farms was by him flavored with the authorized colony plan of his wife's Sonoran relatives and the assumed alliance with some revolutionary party, preferably the strongest. Crabb, as proclaimed general, set out early in 1857 with an advance body of barely fivescore men,[37] by way of Yuma, the main body to follow by sea to Libertad. At the end of March he presented himself at Sonoita.

By this time the political aspect had changed in Sonora. The Guandarists had been crushed by Pesqueira, who, victorious, with ample troops to control the state, was not likely to imperil his reputation as a patriot and his position as a ruler by connivance with any filibuster scheme, especially an American one, even if willing to do so under adverse circumstance. He accordingly took prompt steps to drive them out. Crabb, on the other hand, advanced to Caborca to meet the large reënforcements by sea, but which had not been permitted by the authorities to leave California. While thus waiting he was surrounded by overwhelming forces, with artillery, which compelled him after a

[37] Including McCoun and Oxley, who had both been in the legislature.

fierce struggle to surrender. The prisoners, 59 in number, were shot in batches, a small rear body was overtaken and cut to pieces, and a relief from Tucson narrowly escaped the same fate.[38]

This slaughter of capitulated men was for a time hotly denounced in the United States; but it must be admitted that the Mexicans were to some extent justified in seeking by a severe lesson to suppress filibuster expeditions which previous leniency seemed to encourage. The cry for vengeance was invoked chiefly by interested speculators and politicians to provoke the authorities to some action, of which they stood ready to take advantage by preliminary incursions. But the attempt failed, and the lesson proved effective in discouraging unsupported movements. The only approach to such operations was made on the Lower California frontier by local rebels, who sought alternately adherents and refuge on the American side.[39] The French invasion of Mexico led to some volunteer enrolments in behalf of both sides, and shipment of arms, with certain discrimination in favor of the Juarists,[40] and the struggle of the Cubans received active sympathy on the Atlantic side. Such acts have, however, been neutralized by the recurrence in recent times of a certain agitation in favor of further annexations, with a consequent revival among Hispano-Americans of odious memories, and of hostility toward Anglo-Saxon.

The filibustering spirit is not dead, as instanced by Soto's recent expedition to Honduras; and it will linger so long as discord reigns. The California gold excitement was peculiarly favorable to it, in opening new fields, in stirring the lust for roaming and adven-

[38] Details in *Hist. North Mex.*, ii., this series, with ample reference to authorities.

[39] *Id.* In 1855 false gold reports caused a rush of miners to Peru, to startle the South Americans for a moment.

[40] Whose agent, Gen. Vega, figured conspicuously at S. F. about 1864. *Id.; Vega, Doc.*, i.–iii.; *Vallejo, Doc.*, xxxvi., 260. Vega subsequently rebelled, and in May 1870 he sent a steamer to raid Guaymas, levying some $150,000 in goods and funds, besides arms. A U. S. vessel later pursued and burned the steamer. *S. F. Call,* March 1, 1870, alludes to a mysterious expedition at this time.

ture, and in massing a horde of reckless brawlers and shiftless unfortunates. The political attitude and neglect of the government gave them cue and encouragement, and the anarchic condition of Mexico presented an opportunity, while the public tendered approving sympathy and aid, moved by race prejudice, by political tendencies, and by thoughtless admiration for the daring nature of the enterprise and the notoriety attending its achievements, both flattering to national pride.[41] The separation of Texas, so widely held up as an example, had the justifying stamp of a liberation from oppression; but the proclaimed motives of the subsequent imitators were arrant deceptions. The constant disorder and bloodshed in the south, and distance from the scene, made abettors oblivious to the abhorrent crimes involved in these undertakings. They were foul robberies, covered by the flimsiest of political and social pretences, gilded by false aphorisms and profane distortion of sacred formulæ. Liberty dragged in the mud for purposes of theft and human enslavement; the cause of humanity bandied in filthy mouths to promote atrocious butcheries; peaceful, blooming valleys given over to devastation and ruin; happy families torn asunder, and widows and orphans cast adrift to nurse affliction; and finally, the peace of nations imperilled, and the morality of right insulted.[42] The thought of such results should obliterate all romance, and turn pride to shame. They remain an ineffaceable stain upon the government of the most progressive of nations, and veil in dismal irony the dream of manifest destiny.

[41] For mere handfuls to declare war against a republic of 8,000,000 people almost surpasses in wild recklessness the advance of a Cortés against the Aztec empire, for he dealt with semi-barbarians unused to steel, fire-arms, and horses, while they moved against equals. Like him, however, they counted on local dissensions and alliances, and more on the attitude of a powerful neighbor.

[42] In the very paucity of the filibuster forces lay a germ of crime, as it compelled them to resort to pillage and intimidation. International law points to warfare as wasteful and uncivilizing when invaders are unable to leave behind them a track of conquered and secured country. The U. S. stands charged with connivance in piratical acts by reason alone of its indifference and neglect to impede or punish them. The chief officials especially have this additional sin to answer for.

CHAPTER XXII.

FINANCES.

1849–1869.

An Empty Treasury—Temporary State Loan Act—State Debt—Licenses and Taxation—Extravagance and Peculation—Alarming Increase of Debt—Bonds—State Indebtedness Illegal—Repudiation Rejected—Thieving Officials—Enormous Payments to Steamship Companies—Federal Appropriations—Indian Agents—Mint—Navy-yard—Fortifications—Coast Survey—Land Commission—Public Lands—Homestead Act—Educational Interests—The People above All.

The legislature which convened January 6, 1851, at San José, found itself confronted with an empty treasury. The Temporary State Loan Act of 1850 had not fulfilled the expectations of its authors, if indeed they had looked beyond the present moment in passing it. The bonds, although drawing three per cent per month, before the close of the first fractional fiscal year ending June 30, 1850, had depreciated to one fourth of their par value. It was urged, to account for this condition of government credit, that the state had no means of liquidation except by taxation, no improvements to afford a revenue, and could not command her resources in public lands. The population and wealth of the country were of such a nature that they could not be reached by taxation, or the tax gatherer.[1] The foreign miners' tax and the capitation tax were fixed too high; in consequence of which they were evaded or resisted, and often no

[1] The failure to collect taxes was the fault of the collector, Richardson. The governor had been advised to appoint M. McCorkle, or some other efficient person.

property could be found to attach. The law made state bonds and warrants payable for taxes, which the treasurer was compelled to receive at their depreciated value. Indeed, the tax-payers purchased them for that purpose, thereby reducing their burdens to the amount of the discount on them; and even the tax collectors when paid in money converted it into bonds which they paid into the treasury, pocketing the difference. The issue, being restricted to $300,000, was soon expended, after which time the state government was kept up without a dollar in the treasury, at a ruinous sacrifice of the interests of those who devoted their time to the public service. The state debt at the end of June 1850 was $371,573.11. After the admission of the state, bonds and warrants advanced, the former selling at auction at from 91 to 95, and the latter at 80, but having a fluctuating value.

By the 15th of December the state debt amounted to $485,460.28. The excess of expenditures over receipts was $122,179.85.[2] The governor in his annual message to the legislature referred to the pressure brought to bear upon him to convene an extra session in order to pass an act to procure another state loan, and took the occasion to deliver a sermon upon the injustice of laying burdens upon posterity merely to defray the present expenses of government, and without creating with it any public improvements which might help in time to relieve the state of debt, and insisted strongly upon the wisdom of checking the extravagance which the condition of the country in the beginning had fostered. "It occurs to me," said he, "that the most rational, just, and certain means of getting out of debt is to make more, expend less, and borrow none." But when he undertook to point out a method, nothing new was evolved. There was indeed nothing to resort to but taxation. As to pub-

[2] *Crosby's Early Events*, MS., 49; Comptroller's Rept, in *Cal. Jour. Sen.*, 1851, 519, 532; *Sac. Transcript*, Feb. 28, 1851; Thomas, in *Sac. Directory*, 1871, 87–8; *Cal. Jour. Sen.*, 1851, 753–4; Governor's Mess., in *Cal. Jour. Sen.*, 1851, 32–3.

lic property there was absolutely nothing to produce a revenue. The surveyor-general declared that he could hear of no land belonging to the state, except that which a recent act of congress granted to all the states, namely, the swamp and overflowed lands,[3] which would not become available property until surveyed by the general government[4] Thus while the mines were yielding millions every month, the state was in a condition of deplorable poverty.

To correct this, the mode of assessing and collecting public revenue was changed somewhat. A poll-tax of three dollars was levied on every male inhabitant, Indians excepted, between the ages of twenty-one and fifty years, all property was liable to a tax of fifty cents on each $100 for state purposes, and an equal amount for county purposes. Lands sold by the state, though not granted or conveyed, were made assessable. All funds collected under the provisions of the act were to be in the legal currency of the United States, in foreign coin at its value fixed by law, in gold-dust at sixteen dollars per ounce, troy-weight, or in bonds of the state authorized by the legislature of 1850, with the interest due thereon. License taxes were required of billiard-tables and tenpin-

[3] As a curiosity of legislation, Gwin relates that this act resulted from his consenting to allow a bill giving to the state of Arkansas its swamp and overflowed lands, which had been passed in the lower house, to be brought up in the senate on one of the three days allowed for Cal. business before the end of the session. In a conversation with the Arkansas senator, Gwin agreed to give way if the act should be made general instead of special, and applicable to all the states and territories. The amendment was made, and the act passed and was approved, thus unexpectedly endowing Cal. with a considerable addition to state lands. *Memoirs*, MS., 45.

[4] Charles T. Whiting, sur.-gen., seems to have been a humorous character, though his humor appears rather grim. No reports having been received from assessors, he was unable to give any information concerning agricultural affairs. The grasshoppers had been destructive in some localities, and as a preventive he 'recommended the extensive introduction of turkeys.' He had no means of ascertaining the quantity of mineral lands in the state. The reports of the county surveyors were useless to him, being chiefly on old Spanish grants, and detached. The great drawback to agriculture was the uncertainty of land titles; otherwise Cal. would be the equal of any of the states, etc. No suggestions; no information; all negative. 'I know of but one method of planting and preserving forests of trees; viz., put the seeds in the ground and protect the shoots by a fence or ditch.' *Cal. Jour. Sen.*, 1851, 576-7.

alleys, for the state; and upon itinerant venders of merchandise, liquor-sellers, caravans, and shows of all kinds, for county purposes. A special act was passed to license gambling, which placed the impost on tables, every house in the limits of San Francisco, Sacramento, and Marysville containing over three gaming-tables to pay $1,500 quarterly, and every house having three or less tables $1,000 quarterly; but in smaller towns the license should be thirty-five dollars a month, three fourths of all the money so collected to be paid into the state treasury, and the remainder into the treasury of the county granting the license.

Notwithstanding the admonitions of the governor, an act was passed authorizing a loan of $500,000 at twelve per cent per annum, for the purpose of defraying the expenses of Indian hostilities;[5] and this debt it was expected the general government would pay. Lastly a funding act was passed, requiring the state treasurer to prepare bonds to the amount of $700,000, in sums of $500, bearing interest at the rate of seven per cent per annum; $350,000 to be made payable in New York on March 1, 1855, and the remaining half payable at the same place in March 1861, the interest to be paid half-yearly, either in New York or at the office of the treasurer. The creditors of the state, on presenting either the bonds of the temporary loan or state warrants, could have them exchanged, when not less than $500 in amount, for the new bonds; and from and after the 1st of May, 1851, all revenue of the state should be collected in the legal currency of the United States, or in gold-dust at $16 an ounce; except that in payment of the ordinary state tax the old bonds might be presented as before. A tax of fifteen cents on each $100 of taxable property in the state, to be paid in currency or gold-dust, was levied to pay the interest on this debt. It was made the duty of the

[5] The accounts of Adjt-gen. McKinstry make the expenses of the El Dorado and Gila expeditions amount to $149,199.82. *Cal. Jour. Sen.*, 1851, 735. By June 1851, $225,000 had been drawn in warrants from the war-loan fund.

treasurer to set apart a sinking fund, to consist of all surplus interest, all money received from the general government on account of the civil fund, and all proceeds of sales of state lands, except those reserved for school purposes, with whatever surplus should be remaining in the general treasury on the 1st of May, 1852, and every year thereafter, when not otherwise appropriated, until the fund should be sufficient for the payment of principal and interest of the bonds.

It will be seen that the civil fund of military government days was still regarded as belonging rightfully to the state of California, and that its repayment was confidently expected. An effort toward creating a revenue was made by granting to the city of San Francisco all the beach and water lots belonging to the state under the recent act of congress, upon condition that twenty-five per cent of the receipts arising from the disposition of these lots should be paid into the treasury of the state. Also, a section of overflowed land, on an island in the Sacramento River, was conveyed to John F. Booth and David Calloway, upon condition that drains and levees should be constructed to test the cultivable qualities of the land under improvement, and that the grantees should pay into the state treasury $1.25 per acre for the benefit of the school fund of the district. But as even this moiety of an income had to wait for the government survey, and might take three years thereafter for payment to be made, it could not be regarded as a very present help. The study of the legislative proceedings and comptroller's reports of California might reasonably deter any future chance community like that of 1849–50 from assuming the responsibilities of statehood.

The civil debt of the state, December 31, 1851, was $796,963.95, and the war debt $1,445,375.79, or a total of $2,242,339.74. There had been paid into the treasury by the several counties $22,570.31 for 1850, and $245,359.97 for 1851, or a total of $267,930.28.

an amount not equal to the temporary state loan of 1850, without the interest. Some counties, it was true, were delinquent; and the whole amount charged against the state was $333,138.79. To correct this condition of the public finances, the legislature of 1852 authorized the issuance of state bonds for $600,000 more, at seven per cent, payable in 1870, the accruing interest to be paid semiannually, in January and July. This act, like the former, permitted the holders of state warrants to exchange them for the new bonds, in sums not less than $100, and to the extent of $1,000. A special tax of ten cents was levied on every $100 of taxable property in the state, which was to be applied to the payment of the interest accruing upon the bonds of 1852, any excess to be turned over to a sinking fund provided for the payment of interest and principal. This sinking fund consisted, besides this surplus, of all moneys received by the state from the United States on account of the civil fund after the redemption of the bonds of 1851, to which this fund had already been appropriated, with a reservation of $50,000 for the payment of claims against it. Next, the proceeds of the sales of all lands thereafter to be acquired by the state, except those reserved for school purposes, and the swamp-lands, the moneys from which, after the redemption of the bonds of 1851, should be applied to the liquidation of the indebtedness of 1852.

The legislature of 1852 also repealed all the former revenue acts, and made the law for levying, assessing and collecting revenue much more complete and stringent than formerly. Much complaint had been made by the people of the southern counties, devoted principally to grazing, because they paid more taxes, having more real estate, cattle, and other property which an assessor could find, than the much more numerous population of the northern counties; and hence that they were compelled to bear an undue proportion of the burdens of government. This was what was feared when the Spanish delegates had sat

in the constitutional convention, and what the native land-owners had always protested against. This protest became in 1851 a movement for a division of the state,[6] and warned legislators to take measures to avoid a disaffection which might at any moment be taken advantage of by a political faction to cut off the best agricultural portion of the state. Some, indeed, were not warned, but carried the matter into the legislature, where they discussed the question of how to divide the state, instead of how to reconcile the disaffected portion.[7] It was even put forward as a motive that each part would get 500,000 acres of school land.

The per cent was not increased under the law of 1852. For every $100, thirty cents was exacted from all property, except public and United States holdings, and charitable institutions for state pur-

[6] Meetings were held in San Diego and Los Angeles to consider the subject of a division of the state, and a convention appointed to meet at Santa Bárbara in Oct. Accordingly, on the 20th of that month delegates were present at Santa Bárbara as follows: from San Diego, W. C. Ferrell, A. Haraszthy, Tibbets, C. I. Cants, T. W. Sutherland, Joaquin Artego, Pedro Camillo; from Los Angeles, B. D. Wilson, J. L. Brent, J. K. S. Ogier, Ignacio Valle, Cornell, J. A. Carrillo, L. Hoover, J. Hunt, J. M. Sanchez, Hugo Reid, and others; from Santa Bárbara, H. S. Carnes, S. Barnes, S. Hern, C. V. R. Lee, A. M. de la Guerra, Joaquin Carrillo, Detarviana Gotherez, S. Anderson, Marsh, Anastacia Carrillo; from Monterey, Frederick Russell, the 3 other delegates elected not being in attendance. Delegates from counties north of Monterey declined to participate, although admitted to seats in the convention. The whole number present were 31. Carrillo was chosen pres., Brent chairman of the com. on resolutions, and Ferrell chairman of the com. to prepare an address. The resolutions set forth, among other things, that laws could not be framed to bear equally upon sections so diversified. A central committee of 5 was appointed to supervise a continued movement to effect the result aimed at after the adjournment of the convention. The boundary line was much discussed. A motion to fix the northern boundary 'along the northern line of Monterey county, south-east to a point opposite the head of Tulare Lake, thence east,' was voted down. The convention held for 3 days. The desire was to be remanded to the condition of a territory. *S. F. Alta*, Sept. 12 and 28, and Oct. 6, 13, and 26, 1851; *Hayes' Scraps, Angeles*, ii. 11; *Hayes' Constit. Law*, i. 1–37; *Taylor, Cal. Notes*, 4.

[7] The *S. F. Alta* attacked the 'clique in legislature to divide the state at all hazards' without gloves, showing the folly of the proposition, and that it would lead to the expense of a convention costing $100,000 or $150,000, and finally to the old quarrel over slavery, could congress be brought to consider the project of a territory being made out of a state. Those who favored it, excepting the native population who did not understand the drift of their American supporters, were southern pro-slavery men, and had no other object than this, to open the country to slavery. *Cal. Political Scraps*, 51–3. They might have gone a step further and asked the question if congress had the power to transform a state into a territory.

poses, and fifty cents for county purposes. The foreign owners of consigned goods were taxed eighty cents on every $100. The poll-tax was reduced to $3, and was required of every adult male inhabitant not exempted by law. Payment was received in pure gold-dust at $17.50 per ounce, in foreign gold coin of fixed value, and United States legal currency, or in the three per cent state bonds of 1850. One object of the funding acts of 1851 and 1852 was to cancel the bonds of 1850, bearing the enormous interest of 36 per cent; but the holders, as they gradually appreciated in value, were in no haste to exchange them for seven per cent bonds, and there were still $241,-291.11 outstanding at the close of 1851, while of the second issue only about half had been taken. At the close of 1852, however, the former class of bonds outstanding had been reduced $63,750, on which there remained to be paid an equal amount of interest, and the legislature of 1853 passed an act levying an additional tax of ten cents on each $100 of real or personal property for the purpose of cancelling the remainder of these bonds, paying the interest on the funded debt of 1852, and providing a sinking fund for the same.

With regard to the beach and water lots granted to San Francisco, from which considerable returns were expected, only $1,000 had reached the treasury from that source, owing to a neglect of the conditions of the grant, and to litigation in which the property had become involved.[8] The tax imposed on consigned goods had also met with much resistance in San Francisco, and had been found unproductive.[9]

These measures failing, the legislature of 1852 had

[8] *Cal. Statutes*, 1853, 197; *Governor's Mess.*, in *Cal. Jour. Assem.*, 1853, 20–1. See chapters on birth of towns and history S. F., this vol.

[9] The dist atty of S. F. co. submitted to the grand jury 200 indictments against persons violating the act, which were ignored, and the 'evident hostility' to the act manifested by that body made it advisable to refrain from instituting civil proceedings before the matter should be brought to the attention of the legislature. *Governor's Mess.*, in *Cal. Jour.*, 1853, 21; *S. F. Alta*, Jan. 4 and Feb. 14, 1853; *S. F. Bulletin*, April 4, 1856.

resort to the 500,000 acres belonging to the state, and which the constitution devoted to the support of common schools, authorizing the governor to issue land warrants for quarter and half sections, at $2 an acre, to the full amount of the grant. The state treasurer was authorized to sell these warrants, either for money, state scrip, or three per cent bonds, the revenue received under this act to constitute the school fund of the state.[10] The revenue derived from the sale of these lands was set aside for a general fund to meet the liabilities of the state, the interest on which was to be appropriated to the support of schools.

At the close of 1852, the civil debt of the state amounted to $1,388,213.78, and the war debt to $771,190.05, or a total of $2,159,403.83, besides a debt to the school fund of $190,080. During all this tinkering with the state finances, no member of the legislature seemed to think of retrenchment as one means of reducing indebtedness. Such a sentiment was not in accord with the temper of the times. The public journals sometimes hinted at it, and John Bigler, governor in 1853, attempted to point out how half a million annually might be saved,[11] by a reduction in salaries and the abolishment of unnecessary offices. The legislatures had all passed salary acts, but it was only to redistribute or increase the amount.[12]

[10] *Cal. Statutes*, 1852, 41-3. The state supreme court having declared such locations and entries legal, a very large amount of such lands was then purchased and paid for. The sec. of the interior having declared all such sales and entries nullities, and the sup. court in a subsequent decision having overruled the former decision, much difficulty arose as to title, and many conflicts ensued. In order as far as practicable to relieve the state, as well as the purchasers of such lands, from the difficulty thus produced, congress passed the act entitled 'an act to quiet land titles in Cal.,' approved July 23, 1866. All such lands as had been thus sold by the state, and which had not been settled upon, occupied, and improved by preëmptors and homestead applicants, were subject to the operation of the law of 1852. *Zabriskie, Land Laws*, 560, 567-72.

[11] *Cal. Jour. Assem.*, 1853, 20. In 1866, when Gov. Bigler had become more or less corrupted by custom, he made a 'favorable' comparison of Cal. with the states of Ind. and Ill., which had large debts—contracted for quite other purposes than paying salaries, or unnecessary appropriations. *Cal. Jour. Sen.*, 1856, 22.

[12] Compare the acts of 1850, 1851, and 1852. In the year last named the

The legislature of 1853 raised the property tax for the support of the state government to sixty cents on each $100, levied a tax of fifteen cents on the same amount for the payment of the interest on the debt of 1851, twenty cents for the payment of the interest on the debt of 1852 and the school bonds, and four cents to pay interest on state prison bonds, authorized by a law enacted at the same session. For county purposes, fifty cents might be levied on property, besides the special taxes upon trades, professions, occupations, bankers, merchants, tavern-keepers, liquor-dealers, auctioneers, consigned goods, gaming, and every form of business except mining, agriculture, and day labor. The poll-tax remained at $3.

At the end of 1853, the three per cent bonds had been so far redeemed that only about $10,000 of principal and interest[13] remained to be paid; but the state indebtedness, exclusive of the school fund, had increased to $3,001,455.70. Nearly $1,000,000 was a

aggregate amount was considerably increased, although some important changes were made. The governor's salary in 1850 was $10,000, in 1851 $6,000, in 1852 $10,000. Sup. judges received in 1850 $10,000, in 1851 $7,000, in 1852 $8,000. A public translator received $8,000. The salary of state treasurer was first $9,000, then $5,000, then $4,000; of comptroller, first $8,000, then $5,000, then $4,500, and other offices in proportion. Of the 11 district judges in 1852, 8 received $5,000, 2 received $3,000, and 1 $4,000. District attorneys received $1,800. The supt of pub. instruction was paid $4,000 for not very arduous services. The atty-gen. was cut down from $7,000 to $1,000, and advanced again to $2,000. A supt of public building received $4,000, though he was not needed; a prison inspector $6,000, and large appropriations were made to hospital and other purposes, far beyond the ability of the state to pay. The pay of legislators the first and second sessions was $16 per diem. This was reduced to $10 and then to $8, and mileage to $8 per every 20 miles. Gov. Bigler advised doing away for a year or two with several of the high-salaried supernumeraries, reducing per diem and mileage, making sessions biennial, and limiting them to 90 days, placing the salaries of governor and supreme judges at $7,000, and reducing the number of district judges to 8. *Cal. Statutes*, 1850, 83; 1851, 444-5; and 1852, 49; *Hayes' Constit. Law*, i. 41.

[13] The state credit became seriously endangered through the state treasurer having placed in the hands of Palmer, Cook, & Co., bankers, the interest money due at the American Exchange Bank in New York, in Jan. 1854, amounting to $61,750, who failed to pay the coupons as demanded. At this juncture, the banking firm of Duncan, Sherman, & Co., of that city, voluntarily paid the interest from their own funds, thus saving the credit of the state from ruin. Palmer, Cook, & Co. claimed to have the money in the New York bank to meet the interest when due, which the latter denied. The debt to Duncan, Sherman, & Co. remained unpaid for several months. *Cal. Jour. Assem.*, 1855, 629-30; *S. F. Alta*, March 19, 1854.

war debt, which it was expected the general government would some time assume, but the interest on which the state was compelled to discharge until it was finally ascertained that congress would come to its relief. The school warrants sold at this time aggregated $463,360, which had been converted into bonds at seven per cent. Property in the state was increasing rapidly, having reached nearly $100,000,000, the tax on which, at sixty cents, would bring in $600,000, while the other special[14] and poll taxes, it was estimated, deducting the expenses of collection and delinquencies, would furnish a sum total of $780,000, the estimated expenditures for the same period amounting to $960,000.

Again the governor urged retrenchment as necessary. "The enormous sum of $182,427.43 has been paid for clerk hire, and to the officers of the two houses during the sessions of 1852 and 1853. The amount paid last session," he said, "to officers and clerks alone, was $106,093.70." An attempt had been made, he added, to hold the executive responsible for every expenditure of public money; hence he might be permitted to direct attention to the subject, and invite coöperation in reform, and a revision of the revenue laws, of which complaint was made on account of inequality and excess.

The legislature of 1854 followed the example of its predecessors. It made the revenue bill a subject of much painstaking, but it succeeded in reducing the property tax only six cents. It found in the treasury sufficient funds to liquidate the principal and interest

[14] The revenue law of 1853, taxing consigned goods, met with disapproval. A large meeting convened in S. F. in Jan. 1854 to remonstrate against the law as not only unjust, but in conflict with the U. S. constitution; being in fact a duty upon imports from other states. It was estimated that the tax, if collected, would amount to $274,122, at 60 cents on the $100, which the law called for 'a sum equal to the ordinary revenue of perhaps a majority of the states of the union.' It was contested in the courts, and pronounced right and constitutional by the sup. bench. The trades also remonstrated against being taxed upon their means of getting bread. *S. F. Alta*, Jan. 10, 1854. No change was effected in the law. *Cal. Revenue and Taxation Scraps*, 10–12.

of the three per cent bonds of 1850, and a surplus of nearly $40,000, after paying the half-yearly interest of the bonds of 1851, which could be applied to cancelling the principal still outstanding of $360,500 due in March 1855. To meet any deficit, calculations were made upon the income from the sale of the state's interest in the beach and water lots of San Francisco. Of the bonds issued under the act of 1852 there still remained $1,394,500, exclusive of the interest, which could be met only by appropriating the fund set apart for the redemption of the state prison bonds. The total liabilities of the state, notwithstanding the partial payment of the funded debt, was at the end of 1854 $3,394,928.84.

Again the legislature resorted to funding the comptroller's warrants, drawn between June 1853 and July 1855, and authorized the issuance of $700,000 in bonds, in denominations of $100, $500, and $1,000, bearing interest at seven per cent, to run until 1870, the interest made payable annually, January. A tax of six cents on each $100 of all the taxable property in the state was levied to pay the interest on these bonds. By the end of this year the civil and war debt together amounted to $4,461,716.38, while the city and county indebtedness in the state footed up as much more. The same body passed an act providing for the sale of all swamp and overflowed lands at one dollar an acre, so eager were they to rid the state of its dower. They paid $10,000 to pages to add to their dignity, and neglected to appropriate a dollar for the surveyor-general's office, rendering it practically nugatory. The receipts into the state treasury down to June 30, 1855, amounted to $3,333,947.66; the expenditures by the government, not including appropriations for public buildings, but paid out chiefly in salaries, was $5,670,966.38. It is true that this had not been in cash, and that state scrip was never at par; nor was it possible it ever should be under the system pursued by the legislatures. Jobs and crookedness

naturally grew out of the abundance of state warrants. Speculative bankers, like Palmer, Cook, & Co., contrived by becoming the bondsmen of state officers to obtain the handling of the money which should have been in the state treasury. Crime became easy and natural on both sides. Palmer, Cook, & Co., who had nearly ruined the state's credit in 1854 by withholding the interest due on its bonds in order to depreciate them for speculative purposes, the money being in their possession, in 1856, through the complicity of officials, had both the state and the city of San Francisco in their power. The press and the people remonstrated; and such journals as could not be purchased courageously exposed the iniquity in their midst.

The legislature of 1856 made an effort by funding the indebtedness which should remain after the close of that year, to convert all outstanding warrants into bonds at seven per cent, and accordingly issued $1,000,500 worth of new bonds payable in 1875, with interest half-yearly, receivable in California or New York. To meet the interest, a tax of ten cents was levied on each $100 of taxable property in the state, the surplus, if any, to be used from time to time in redeeming these bonds at the lowest rates at which they could be purchased of the holders. It was also made the duty of a board of examiners, consisting of the governor, secretary of state, and attorney-general to examine the books of the controller and treasurer, and count the money in the treasury as often as once a month. But the previous mode of legislating, like virtue, was bringing its own reward, making reforms difficult. Finances all over the state were in a deplorable condition. Millions had been wrung out of the people to support extravagant county and municipal governments.[15] The laws regarding collection of taxes

[15] For the condition of affairs in S. F., see a communication from Sam Brannan in *S. F. Bulletin* of Oct. 29, 1856. Brannan tendered his taxes for 1855-6 in city scrip, which the officials were bound to receive. He endeavored to get them to bring the case before the courts, which they would not

were imperfect, and delinquencies not uncommon. Suits at law were instituted to bring these defects to the notice of the law-makers, and to prevent payment of taxes in state and county scrip, the supreme court deciding adversely to Attorney-general William T. Wallace, that state controller's warrants could not, in the face of the funding acts of 1855 and 1856, be received for taxes. This was a check upon the practice of collector's going into the market to buy up state warrants at seventy or seventy-five cents on the dollar, and substituting them for the coin or gold bullion received from tax-payers, and was a step in the right direction.

The reform however began, as I have said, too late for the catastrophe to be averted. A deficit had been discovered in the accounts of State Treasurer S. A. McMeans.[16] His successor, Henry Bates, improved

do, and after months of waiting, rather than appear delinquent he paid the money. His object in resisting, he states, was to keep money out of the hands of the officers. In 1856–7 he again withheld his taxes. 'It is well known,' he says, 'that the present sheriff (or party assuming to act as such) has failed to qualify as the law directs, and it is notorious that the tax collector is insolvent.' Again: 'I have not only not paid the present year's taxes, but I have also advised my friends to withhold theirs until after the approaching election, and I have no doubt future events will justify the wisdom of my course.' With regard to public affairs he says: 'The present indebtedness of the state of Cal., represented by bonds, audited accounts, etc., is about $5,000,000. Some of the bonds bear an interest as high as 12 per cent per annum. (These were the Ind. war bonds of 1861.) So I think I may safely estimate the yearly accruing interest upon this debt at $350,000, or an average of 7 per cent. Now, add to this the amount necessary to carry on the govt, and we at once see the startling amount it is necessary to raise every year by taxation. Think for a moment how the above $5,000,000, and the $8,000,000 or $10,000,000 besides, what have been drawn from the people by taxation, have been squandered. Look at the present extravagant system of conducting the state govt, and decide if the expenses of the state may not be reduced by an honest effort. But turning from state affairs, consider for a moment how the people of this city have been oppressed and robbed. Think for a moment of the vast amounts that have been drawn from the people in taxes—the large sums received from the sales of real estate, and the present heavy indebtedness of the city. What have we got to show for all this? The $6,000,000 or $8,000,000 received from taxes, and the $4,000,000 or $5,000,000 indebtedness, together with the large sums received from the sales of real estate, have all been squandered. Much less oppression and dishonesty, in 1776, caused the American revolution in which our fathers took part, and I say it is not remarkable that their sons, in 1856, should follow their example and fall back upon their reserved rights for their own protection.'

[16] Dr S. A. McMeans, born in Dandridge, Tenn., 1808, was engaged in the war with Mexico, and came thence to Cal. in 1849. He died in Virginia City, Nev., in 1876. *Sac. Leader*, Aug. 5, 1876.

upon such a mere peccadillo as a discrepancy in accounts, and launched wholesale into a violation of all law and all trust, by purchasing and assisting others to purchase state warrants, controller's warrants, and state scrip of every kind, with the coin and bullion of the state. His own profits from this mode of unlawful speculation aggregated for 1856 about $15,000. The law requiring the public moneys to be kept in the fire-proof vault of the capital, and forbidding its deposit with any individual or firm, was disregarded, and Palmer, Cook, & Co. again became the holders without security of $88,520, interest money due in New York on the state's bonds, but which they retained for their own use, the firm failing, and most of its members and agents absconding. Great was the outcry against the defaulting bankers, where the state was thus dishonored, and the guilty treasurer hastily gathered up what money remained in the treasury, which fell $15,000 short of the amount due, and placed it in the hands of Wells, Fargo, & Co., to be transmitted to New York. This company then entered into arrangements to assist Bates in his nefarious transactions, who permitted E. A. Rowe, president of the Pacific Express, and others, to speculate with the state's money deposited with them, by reason of which $124,000 was lost to the treasury.

In order to cover up the deficiency in the state's funds on the meeting of the legislature of 1857, Bates bargained with the agent of Wells, Fargo, & Co. at Sacramento for a temporary loan of $20,000 to make a showing, should a committee of the assembly proceed to count the money in the treasury, as was threatened. The sum borrowed was placed in the state vaults, partly in United States money and partly in California ten-dollar pieces, worth twenty-five cents less each than United States ten-dollar coins; and when the money was returned to Wells, Fargo, & Co. it was in coin of the United States mint. In order to obtain this temporary loan the treasurer

drew his official draft in favor of the firm, in the sum of $20,000. In order to meet the interest falling due in January 1857, Bates took from the general fund to apply upon the interest fund the sum of $60,000.

These things did not happen because the people were dishonest, or had not furnished the means to maintain honorable financial standing, but because the men who forced themselves into places of public trust were corrupt professional politicians. On the heels of these losses, amounting to no one knew how much, but evidently to $272,521, came the decision by the supreme court that the state bonds to the amount of over $3,000,000 had been unconstitutionally issued. The wonder is that no one had put forth this opinion before; the language of the constitution being plain on the subject of creating any debt or liabilities, which singly or in the aggregate should exceed, with any previous liabilities, the sum of $300,000, except in case of war, or for a special object, the means of paying the interest and principal being provided for; and not then until it should have been submitted to the people, and consented to by the vote of the majority, with other precautions and restrictions. It seemed to come upon the public as a surprise. "Disguise it as we may," cried the Sacramento *Union*, "the world of civilization will pronounce the verdict of judicial repudiation against the state of California. Let but a single failure to pay our interest promptly occur, after the decision of our court is read on the Atlantic side and in Europe, and the name of California will become the scorn of all states, as well as of all men who prize public faith and individual honor." After leaving the constitutional question untouched for five years, to bring it up now, and decide against the validity of a debt of more than $3,000,000, would look like a deliberately planned and executed act of dishonesty. In that light, the decision was regarded as a public calamity.

But the masses were not dishonest, and when it

was pointed out by the judge that the question could still be submitted to the people, of adopting the indebtedness of the state, with the addition of appropriations for necessary future expenses, they consented; and a bill of submission being passed by the legislature of 1857, voted to pay $4,000,000 rather than endure the ignominy of repudiation. Civil bonds continued to be issued from time to time, as the expenses of the state demanded.

There were still two sources from which relief was expected. One was the Indian war debt appropriation by congress, of $924,259.65, which would, if paid into the treasury of California, have gone far toward lifting the present burden. But Jefferson Davis, secretary of war, refused to pay the accounts transmitted to him until he should be placed in possession of the vouchers upon which the warrants were issued. Many of these were lost; besides, the governor demurred to sending any portion of the archives of the state to Washington.[17] Settlement was made on about half the amount, interest accumulated on the remainder, and after vainly endeavoring to secure a further appropriation, the holders of war bonds were forced to take what they could get out of the first.[18]

The other fund looked to for relief was that collected during the military government, after the treaty of Guadalupe Hidalgo—the civil fund. But after several memorials, resolutions, and efforts by California senators to have the claim acknowledged, it was forever put to rest by a decision of the supreme court of the United States, that the action of the federal officers in collecting customs after the cession and before a government was established, was warrantable and

[17] *Sac. Union*, Sept. 20, 1856; *S. F. Alta*, Aug. 7 and Sept. 21, 1856; *S. F. Bulletin*, Sept. 23, 1856; *Cal. Jour. Sen.*, 1857, app. no. 8, 16, 18–19; *Id.*, 1859, 312–13, 475–6; *Cal. Reports*, 6, 499; *Tuthill, Hist. Cal.*, 528–9; *Governor's Message*, in *Cal. Jour. Sen.*, 1856, 27–8.

[18] *Tuthill, Hist. Cal.*, 530. A few of these bonds were found and paid as late as 1873–4. *U. S. House Com. Rept*, 669, iv., 43d Cong., 1st Sess.

proper. After this there was nothing to do but to go on levying enormous taxes, and cutting down expenditures. To a California legislature it was much easier to continue the taxing than to discontinue extravagance.

In 1857 it was found necessary to levy a tax on the export of gold, on insurance, and on divers branches of commerce, in the shape of a stamp act, providing that after the first day of July no court should take cognizance of any complaint founded on any promissory note, foreign or inland bill of exchange, certificate of deposit, policy of insurance, bill of lading, bond, mortgage, deed, lease, or receipt, unless it should be written on paper stamped for the sum, and in the manner required by the act.

In 1861 the indebtedness of cities and counties amounted to about $10,000,000. In 1863 the state debt was still about $5,000,000. The direct tax levied by the federal government during the war of the rebellion, soldiers' relief, and soldiers bounty funds, as well as public institutions taxes, kept the people's expenses up, even after a system of retrenchment had been begun. In 1867 the state tax was 99 cents and the state debt a little more than two years previous; and it was not until 1875 that the debt was reduced to a little less than $3,000,000 and the state tax to 64 cents. The property valuation of the state at this period was $611,500,000; the amount charged tax collectors for state and county purposes was $20,141,568.39, of which nearly seven millions went to the state treasury. The population of 1870 was 560,247 persons, divided amongst whom the assessment amounted to $35 for every man, woman, and child in the state.[19] No wonder the collectors deducted nearly fourteen per cent for delinquencies in

[19] Controller's Rept, 1873–1875, 22–3. For county indebtedness of Los Angeles co., see *Hayes' Scraps, Angeles*, v. 496; of Yuba co., *Yuba Co. Hist.*, 43–4; of Marin co., *Marin Co. Hist.*, 129–30. El Dorado co., as early as 1852, owed $30,000, which it had no means of paying. *Placer Times and Transcript*, Jan. 15, 1852.

making up their estimates. And yet California had a greater amount of wealth to the individual than any of the older states. Her troubles had never come from any real lack of means, but from the improper use of them.[20]

[20] As to the use made of such money as had been appropriated, I will make some mention here; and also of all public institutions charged with public moneys. The first public building ordered by the legislature to be erected, for which a fund was provided, was the state marine hospital at S. F. In April 1850, an act was passed authorizing the same 'upon grounds containing not less than 20 acres, and which at the time of such erection shall belong to the state, and shall be situated upon the bay of S. F., and not less than 2 nor more than 12 miles distant from that part of the town of S. F. known as Clark's Point.' The building was to cost, with improvements of grounds, not more than $50,000. The money to carry out this purpose was to be derived from fees to the health officer, elected by the legislature. These fees were for visiting and examining each vessel from a foreign port, $20; each vessel from any U. S. port, not on the Pacific coast, of above 100 tons, $16, not over 100 tons $12; under 100 tons $8; coastwise vessels to pay the sum of $6. Fines imposed for obstructing the visit of the health officer to go into the fund. The receipts for the first quarter were $34,683.16, 'which sum was required to pay the ordinary expenses of the establishment (which was then in a temporary building) during that period.' *Cal. Jour. Sen.*, 1851, app. 541. For the 2d quarter the receipts were $30,830.93, which sum was also necessary to pay current expenses, except $167.43, found among the unclaimed effects of deceased persons. This sum was the first paid into the state treasury to form a state hospital fund. Meantime congress appropriated $50,000 for the erection of a marine hospital at S. F., which should have rendered the state hospital unnecessary. But not so thought the legislature of 1851, which passed an act to provide a revenue, compelling the master or owner of a vessel arriving from a foreign port to give a severed bond, in a penalty of $200, for each passenger, conditioned to indemnify and save harmless the state marine hospital at S. F., and every city, township, and county in the state, from any cost or charge for the relief, support, or medical treatment of the persons named in the bonds, which were required to be secured by 2 or more sureties, provided that the master or owner might commute for the required bonds by payment of $5 in money for each cabin passenger, and for each deck passenger $3. Any refusal or neglect caused a forfeiture of not less than $500, nor more than $2,000, which inured to the benefit of the hospital fund, and all vessels were required to carry a charity-box for the collection of money for the state marine hospital. The act also made this institution a city hospital, by authorizing the city to send there its sick, upon terms agreed upon between the city and the trustees of the marine hospital, but not to exceed $50,000 annually. *Cal. Statutes*, 1851, 384-6. A certain proportion of the revenue derived from gaming licenses and auction tax was also diverted to the hospital fund. It would seem from remarks in the *Alta* that the state marine hospital was regarded as 'infamous.' 'Maledictions,' says the editor, 'upon the heads of those who enacted the illegal, cruel, and villanous provision, by which the poor mariner was plundered, not succored, and the commercial interests of the state jeopardized for the purpose of gratifying a few craven satellites.' Other hospitals, at Sac. and Stockton, authorized in 1851, received a part of these taxes. Sac. was granted $30,000 and Stockton $20,000. These other state hospitals received an appropriation annually out of the general fund. In 1852 an act was passed authorizing the trustees of the Stockton state hospital to erect a building for the insane of the state, and to provide for their support, the building not to cost over $10,000, this sum to be paid out of the state treasury, with $7,500 for the support of the insane.

It could not be said that at this period California had any system of political economy. From 1849

These institutions annually required more money. The next device for their support was the 'passenger act,' similar to the act before described, but calling for not less than $5 nor more than $10 for each passenger landed in Cal., from foreign countries, or the other states of the union; and exacting heavy bonds for landing a lunatic, cripple, pauper, or infirm person, not a member of a family. By an act of 1853 a com. of immigrants for the port of S. F. was authorized, to be appointed by the gov., to hold office for two years, and to approve all bonds and administer all oaths in the discharge of the duties connected with the passenger act. His pay was ten per cent of the receipts, the remainder, after payment of costs, to go into the state treasury. Two fifths of this fund was then appropriated to the support of the insane asylum established at Stockton in 1853, in place of the Stockton state hospital, and for which a draft on the treasury of $50,000 was authorized. The state marine hospital was discontinued in 1855, and the property belonging thereto was conveyed to the county of S. F. for the use of the indigent sick, and all moneys received in commutation of bonds under the passenger act was set apart to constitute the hospital fund of the state of Cal., to be apportioned among the counties of the state in proportion to their population. To discourage the immigration of persons who, under the laws of Cal. and the U. S., could not become citizens, a law was passed in 1855 requiring a tax of $50 to be paid for every such person brought to any port in Cal. Suit could be brought against the master, owner, or consignee, in the event of a refusal to pay the amount due to constitute a lien on the vessel. All moneys collected under this act were to be paid into the treasury for the hospital fund, except five per cent to go to the commissioner of immigration. In 1852, the sum of $25,000 was appropriated for the relief of the overland immigration, and $2,000 for the use of the indigent sick at San Diego. In 1855 $10,000 was appropriated to be divided between the two orphan asylums of S. F. In 1856 $40,000 was appropriated for the completion of the state insane asylum at Stockton. The city of Sac. brought a claim of $144,295.50 against the state, which was said to have been expended by that city between Dec. 6, 1849, and May 3, 1851, on account of the sick and destitute, not residents of the city or county, and for the proper interment of those of this class who died within that period. During the heavy overland immigration, a large number of immigrants were relieved annually, as well as many sick miners.

To provide a fund for the state library, a tax of $5 was levied upon the commission of every state officer and every member of the legislature. A board consisting of the governor, treasurer, comptroller, president of the senate, and speaker of the assembly, had power to draw this money, and to purchase books, maps, and furniture for the library. A supplemental act made all fees, of whatever nature, collected in the office of the secretary of state, a portion of the library fund. By an act of 1856 so much of the above laws as conflicted with a provision of the militia law setting aside the $5 tax on military commissions, to constitute a military fund, was repealed. In this manner were special taxes made to meet most of the expenses.

Both before and after the admission of the state, convicts were confined on 'prison brigs' at S. F. and Sac., and in such insecure jails as were to be found in some counties. But in 1851 the legislature passed an act making M. G. Vallejo and James M. Estill lessees of state prison convicts, and upon them devolved the obligation for ten years to guard and provide for this class of persons, three inspectors, with a salary of $1,500 each, being appointed to make rules, and report to the legislature. During the year 1851, according to the inspectors, the jail in S. F. was used for a portion of the state convicts, and one prison brig had been fitted up and moored near Angel Island, on which 35 prisoners were confined. The law of 1851 implied the erection by the state of a penitentiary, but leased the state prisoners, without requiring

to 1857, 268,713 persons had arrived at San Francisco by sea, and 144,100 had departed in the same

any returns from their labor, while paying inspectors, in addition to the costs of arrest and prosecution. This, as the inspectors remarked, had the look of 'affording rare facilities for private advantage.' The number of convicts turned over to the lessees in Jan. 1851 was 60; and Cal. convicts were among the worst in the world, being the scum of the criminal professions from every part of the inhabited globe. Others were added to the 60 during the year. From the prison brig 17 escaped by overpowering their keepers, and three escaped in S. F. Out of the 20 thus let loose upon society, 7 were recaptured. Upon this report the legislature of 1852 passed an act constituting the inspectors and the supt of public buildings, a board to examine bids for a contract and select a site for a state prison; purchase to be made of 20 acres for that purpose at not more than $10,000, to be paid out of the general fund. No limitation as to price was mentioned in the bill, but all the proceeds from the sale of swamp and overflowed lands, after draining and levying the same, was pledged to be held inviolate for the payment and redemption of bonds of the state, issued and made payable in 10 years, with 7 per cent interest, payable semiannually, for the purpose of discharging the debt to the contractor. The board were to settle upon a plan suitable for the purpose, and did so. Two bids were received, one from Isaac Saffrans, and one from F. Vassault, either of which would have footed up nearly $1,000,000. The plans and proposals were approved by Bigler. Land was purchased at San Quentin point, and excavations begun, when the legislature of 1853 made an investigation of the subject. The gov. had not pointed out the unconstitutionality of the act, nor expressed any doubts of its expediency. The investigation showed that several members of the senate had proposed limitations, the majority being in favor of $100,000, and that when it was voted upon these senators had believed that $100,000 was incorporated in the bill by amendment. Yet when the original bill was examined, no evidence could be found of mutilation or erasures. By what legerdemain the bill passed through both houses was not discovered. That the same craft was shown in the bids was proven. Several were presented and withdrawn, leaving only the two mentioned. These were copies of one another in every respect, except 'slight difference in the estimates,' showing that they emanated from the same source. The sureties offered in one case were J. M. Estill, Jos. Daniels, and R. H. Allen, and in the other John Middleton and T. Butler King. There seemed to have been many persons interested in the job, but the responsibility was not fixed upon any. The legislature of 1853 passed an act declaring void the contract with Vassault, and authorizing the expenditure of $135,000 in the construction of a state prison on the ground at San Quentin, to be paid, as before proposed, in state bonds maturing in ten years, with interest at 7 per cent; and $18,315 was paid out of the general fund for the work and material already done and furnished. No second offer of the state's swamp-lands was made to unprincipled speculators; but a tax was levied of 4 cents on each $100 of taxable property, to constitute a fund to redeem the bonds until the debt should be paid. Thomas D. Johns was the contractor under the new arrangement. The prison was completed in Jan. 1854, and the convicts, 242 in number, were removed thither at a cost of $25,000. The appropriations of 1852 and 1853, 'for special objects, having no necessary connection with the administration of the state govt,' amounted to $436,350.78. The legislative, executive, and judiciary departments had cost in the period $1,107,927.80. In 1855 the legislature created a board of three state prison directors, who were intrusted with the management of prison affairs, nomination of subordinate officers, etc. The first board was appointed by the legislature, and expended in 7 months, including the erection of a wall about the prison, the sum of $382,226.84, or a monthly average of over $54,000. The second board was elected by the people, and expended

manner. At the low average of $175 each for these 412,813 passengers, the amount of passage money paid to New York steamship companies was $72,242,275. The freight earned by these companies on the specie shipped since 1849, at one and a half per cent, amounted to $4,835,907. Other freights had yielded at a low estimate $11,000,000, making a sum total of $88,078,183, from these three sources alone, paid out of California pockets to New York steamship companies. Yet nobody thought of organizing a California steamship company. Fire and marine insurance companies in England and New York drew

in 11 months $475,413.23. The salary of each of these directors was $3,500. Their term of office was 3 years, but so classified that a new director was chosen at each annual election to fill the place of one going out. The alarming expenditures of these directors caused the legislature of 1856 to authorize a contract for the care of the prisoners, and the erection of such buildings as should be required, at a cost of not over $15,000 per month, and appointed the lieut-gov., state comp., and treas. a board of coms. to make rules for the government of the prison. An appropriation of $500 for the travelling expenses of each was their only pay. They let the contract to Estill for $10,000 per month, who had the lease also of the prisoners' labor. The directors were made simply a police by being required 'to give their daily attention to the enforcement of such rules' as were provided by the commissioners. The payment of $10,500 annually for these superfluous officers was discontinued, when the legislature of 1857 abolished the office. Through such abuses of trust as the state prison legislation exhibited during a period of several years, the people became stirred up finally to take reprisal.

No action was taken providing for the erection of the state capitol before 1856, when the legislature passed an act providing for its construction. Previously that body, after it ceased its peripatetic practices, had occupied a building erected by the county at a great cost, and which being paid for in county bonds drawing $20,000 interest per annum, rented only for $12,000 yearly, leaving the county to pay $8,000 for the glory of possessing the capital; but the rents paid by the state amounted to $29,000 annually. The commissioners appointed to contract for and superintend the work were D. F. Douglas, G. W. Whitman, and Gilbert Griswold, and the sum of $300,000 was appropriated. The warrants drawn from time to time on the treasury were made redeemable in bonds of the state bearing 7 per cent interest, in sums of $500 and $1,000. To meet the indebtedness, the proceeds of the sales or leases of lands donated to the state by the United States, or which might be thereafter donated for public buildings, was set apart as a fund from which to pay the interest and principal, the first payment to be made in January 1857. Should not the fund equal by Nov. of that year, and every year, the sum of $10,000 over the interest, enough was to be added from the general fund to make it $10,000, which was to constitute a sinking fund for the gradual redemption of the bonds. In 1854 the city of Sac. had donated a site for the capital, and upon that the structure was being erected by Joseph Nougues when the decision of the sup. court, that the debts contracted by the state above $300,000 were unconstitutional, arrested proceedings. The erection of the capitol building therefore belongs to another period. *Roach's Stat.*, MS., 11; *An. Mess. Gov.*, 1858, 13; *Cal. Statutes*, 1850-6, passim; *Sac. Union*, March 31, 1856; S. F. daily journals, 1850-6, passim.

annually $2,000,000; yet not one of these corporations, owned anything in California which could be taxed. Their capital, derived largely from California, returned California nothing, and secured no claims against them. The state greatly needed water companies for mining and agricultural purposes, but there were few canals, and entirely inadequate to the existing want, not to mention the wants that could have been created.

The constitution of the state was not favorable to corporations, special legislation being prohibited. Under the indebtedness in which the state had become involved, and considering the time required to call a convention to amend that instrument, men hesitated to make the movement. Had legislation been all that was desired, labor was too high in California to make manufactures profitable, even where the material was present; therefore merchants continued to order from the east cargoes of costly merchandise—they could not afford to order cheap articles and pay high freight—for which the laboring as well as the wealthy class were forced to pay. This was another drain on the money of the country. All the world sent of its productions to this young and undisciplined commonwealth; and like a boy at a fair, the commonwealth would buy anything offered.

It is time I should mention the gifts, not few indeed, nor small, which the state received from the general government, in return for this river of wealth which she was pouring forth so lavishly to enrich the people of the earth. The short time left after the California delegation obtained their seats, before the first session of the thirty-first congress expired, prohibited much discussion of the merits of the several bills introduced. Those that were passed in the three weeks before congress adjourned were four; namely, an act changing the collection districts already existing, and creating six additional ones; an act extending the judicial system of the United States to the state

of California, which was divided into two judicial districts;[21] an act to authorize the appointment of Indian agents in California;[22] and an act making appropriations for light-houses.[23] Neither of these brought much

[21] California was divided into northern and southern districts. The salary of the judges, being fixed at $3,500 and $2,800, was inadequate to their expenses. Gwin gave notice that he should ask for an increase of pay at the next session, *Cong. Globe*, 1849–50, 20–68, and the legislature of 1852 passed a joint resolution instructing their senators to obtain an increase of salary for the U. S. district judges. *Cal. Statutes*, 1852, 282.

[22] Said McCorkle, democratic congressman in 1852: 'An appropriation was made, and the president authorized to appoint 3 commissioners, with full powers to treat with them, and to make such other arrangements as the circumstances might require. As in other cases, in pursuance of the fixed policy toward Cal. adopted by the present administration [whig], 3 gentlemen, entirely ignorant, not only of the country, but especially of the nature and habits of our Indians, were sent out from the Atlantic to protect the people of the Pacific from the savages who inhabit our state. These men, as might have been expected under the circumstances, have committed the most egregious blunders, and find opposed to them and the policy they adopted, not only the entire population of Cal., but the senate of the U. S., which has rejected every treaty made by them with the Indians unanimously. The enormous debts, amounting in all to nearly $1,000,000, have been repudiated, and unfortunately, while depriving these imported officers of their portion of the profits and speculation, many innocent third parties, who from their ranches and stores have, in good faith, furnished them supplies, are also compelled to suffer losses.' McCorkle spoke as a partisan, but in the main correctly, although he knew that one at least of the commissioners, O. M. Wozencraft, was a pioneer of Cal., and a man of affairs in the state, who therefore should bear one third of the blame of the rejected treaties. The other commissioners were George W. Barbour and Redick McKee. The people of Cal. did complain of the treaties because they reserved to the Indians, according to the miners, 'every acre really rich in minerals, or really adapted to agricultural pursuits,' *S. F. Alta*, July 26, 1851, in all the valleys along the base of the Sierra Nevada, from the Stanislaus to Kern River. The miners were ordered off, also the farmers, ferries removed, and the Indians placed between the mines and the commercial points of supply. At the same time, the tract reserved to each tribe, except in one instance, was too small for Indian modes of life, and too large for farming purposes, could they be brought to learn agriculture. Rept of special committee on public lands, in the senate of Cal., in *Cal. Jour. Sen.*, 1852, 575–92. The amount first appropriated for the expenses of the commission was $25,000. The Indians were in a hostile attitude, caused by their frequent depredations and the retaliatory acts of the miners. The commissioners therefore travelled with a military escort, and incurred heavy expenses, accomplishing nothing more than to secure a temporary peace by yielding the point, and making presents and promises to the Indians, quite transcending their powers in making and executing treaties. For this they were dismissed, and the 32d congress established the office of superintendent of Indian affairs, and appropriated $100,000.

[23] An appropriation of $90,000 was made in 1850 for the erection of lighthouses on the coast of Cal. and Orėgon, and to this was added $15,000 in 1851. The appropriation, however, remained untouched in the treasury for a year and a half, and then all the material, workmen, and mechanics needed were shipped from the east, depriving Cal. of any participation in the benefits of the expenditure of this money. So the hungry politicians complained, without reflecting that men and material were not to be obtained so easily in this country. There were 8 lights to be established, the contract given to Gibbons and Kelly, who sent out their men and material in the bark *Oriole*, *Cong.*

money to California. The prevailing impression of the expense of building in this state made congressmen careful of voting appropriations. At the second session something more tangible was secured, though by no means as much as had been looked for, since it was firmly believed the civil fund, then amounting to $1,500,000, would be restored to the people from whom it was collected, as they maintained illegally, in addition to appropriations which they had a right to expect; whereas the whole amount obtained from the thirty-first congress aggregated not much over a million. This amount, too, had been lessened by the mismanagement of agents appointed by the government to take charge of disbursements.[24]

One of the things most desired in California was a mint. The subject was discussed during the short time that remained of the first session of the thirty-first congress, but not finally. A short time previous to the admission of California, Senator Dickinson of New York had brought up a bill for the establishment

Globe, 1849–50, app. 1083, which was finally wrecked at the mouth of the Columbia.

[24] An appropriation of $50,000 was made in 1850 for the erection of a marine hospital at S. F., and $100,000 for a new custom-house, with the promise of $300,000 more to complete it, under certain conditions, among which were these two—that S. F. should donate an eligible site on the plaza, and that neither state nor other taxes should be levied on the property. Allen A. Hall was appointed supt of public buildings in S. F., with a salary of $16 per diem. He spent six months in Cal. and did nothing. Whether it was altogether his fault, or whether it was not partly because the S. F. people were undetermined as to the proper sites, the whig administration was made chargeable with the delay. On the 10th of Dec., 1852, the common council and mayor of S. F. conveyed to the U. S. govt six fifty-vara lots on Rincon Point, where the U. S. marine hospital was erected, the total cost of which was about $250,000. It was completed in Dec. 1853. In May 1852 congress appropriated $40,000 to improve a site selected on the corner of Washington and Battery sts, where the custom-house and post-office building was finally erected in 1854. In the mean time the govt purchased the 'custom-house block' on the corner of Sansome and Sacramento sts, at a cost of $150,000, where a building costing $140,000 was erected, and where the offices of the customs and naval departments of the govt were kept. T. Butler King succeeded Collier as collector in Jan. 1851. C. K. Greene was deputy collector. The ports of entry established were at Sac., Benicia, Stockton, Monterey, San Diego, and Humboldt. 'It was an experiment,' says Gwin, 'to ascertain where commerce would most develop itself.' Jesse B. Hambleton was collector at Sac., and W. G. Gallaher at Benicia, and Robert A. Parker inspector of customs at Trinidad. All the ports of entry were finally abolished and made ports of delivery, except S. F.

of a branch mint at New York city. Benton proposed to amend by establishing a branch mint and assay office at San Francisco, in which form the bill passed the senate, but failed in the lower house in consequence of the opposition of the Pennsylvania delegation to the New York branch mint. At the next session, the bill being before the committee of the whole, and not likely to pass, a substitute was offered for the whole bill, proposing to make coins issued by the assay office of Moffat & Co.[25] a legal tender, and to enlarge and improve that institution. The California delegation affected to oppose the substitute bill, and to be still hopeful of securing a mint. Want of time, however, in the short session was given as a reason for abandoning their object, and it was left to be prosecuted by their successors. A bill was finally passed July 1852, authorizing the erection of a branch mint at San Francisco, and appropriating $300,000 for that purpose; but the money was expended in purchasing and extending the United States assay office. A mint finally went into operation in April 1854, with machinery capable of coining $30,000,000 annually.

Among the first appropriations was $100,000, for commencing the construction of a dry-dock on the coast of California. Gwin being appointed on the committee of naval affairs, of which he was chairman from 1851 to 1855, was in a position to report and to push bills connected with naval and marine interests, and did so with commendable energy and perseverance. The final cost of the dry-dock, and removal to Mare Island, was about $1,000,000, all but the first $100,000 being appropriated by the thirty-second

[25] Moffatt & Co. were U. S. assay contractors under an act passed during the pendency of the mint bill. Augustus Humbert was the assayer appointed to affix the U. S. stamp to the gold assayed at this office. At the suggestion of Gwin, $50, $100, and $200 gold pieces were permitted to be manufactured at this establishment. *Gwin's Memoirs*, MS., 115. Previous to the establishment of the U. S. assay office, private companies had issued coins, which now began to be repudiated, making a panic in the money market, while at the same time nothing was substituted for the small coins rejected. After the establishment of the mint in 1854, Gwin reported a bill for the coinage of $50 and $100 pieces, which failed in the house.

congress.[26] Gwin was also on the finance committee, which gave him opportunities which he improved. California having but one representative in the senate for two sessions, Gwin may be credited with having secured most of the large sums appropriated by this congress. He reported a bill in January 1852, providing for the establishment of a navy-yard on a large scale. Some trouble was experienced after the passage of the bill in selecting a location for the work, Mare Island being the site at length fixed upon. It cost the government $50,000 to secure a title to the land.[27] The first appropriation for general purposes

[26] *S. F. Pac. News*, Dec. 2, 1850; *U. S. Acts and Res.*, 158–9, 31st Cong., 1st Sess.; *U. S. Laws*, 4; *U. S. H. Ex. Doc.*, 37, vol. v., 33d Cong., 2d Sess.; *Cal. Reg.*, 1857, 135; *Cong. Globe*, 1849–50, 1920, 2020, 2061; 1851–2, 1499–1504; *Gwin, Memoirs*, MS., 105; *U. S. H. Ex. Doc.*, 31, v., 31st Cong., 2d Sess.; *Solano Co. Hist.*, 247–62; *Savage, Coll.*, MS., iii., p. 140; *Gwin's Speech*, in U. S. Sen., March 23, 1852; *S. F. Alta*, April 12, 1852; *Id.*, March 19, 1852; *Cal. Mil. Affairs, Scraps*, 12; Rept of com., in *U. S. Sen. Rept*, 14, vol. i., 32d Cong., 1st Sess.

[27] Victor Castro, who owned Mare Island and property on the mainland, being troubled by the Indians stealing horses, conveyed a band of brood mares to the island for security; hence its name of Isla de la Yegua, or Mare Island. Its advantages for a naval station began early to be observed, and J. B. Frisbie, a capt. in the U. S. army, purchased it from Castro in 1849. In 1850 he sold an interest in the island to Capt. Bezer Simmons; and subsequently an interest was sold to W. Aspinwall, of the firm of Howland & Aspinwall, who later purchased the whole island. Capt. Blunt, commissioner U. S. N., had recommended this location to the govt in 1850, for a navy-yard. In 1851, Com. McCauley, who was instructed by the dept to report upon the most eligible site for the naval arsenal of the Pacific coast, decidedly favored Sauzalito; but the dept, not being satisfied, instructed Com. Sloat to make an examination of the most eligible points on the bay, and he recommended Mare Island, which the govt finally purchased in 1852 of Aspinwall for $50,000. In Sept. 1852 the dry-dock, built in New York in sections, began to arrive, a portion on the merchant ship *Empire* reaching the island Sept. 11th, having grounded near the present site of the magazine, and remained 3 days before she was floated again by lightering. She was followed by the packet *Queen of the East*, and later in the year by the *Defiance* with the remainder of the dock. Under the superintendence of Theodore C. Deane, agent of the contractors, and Darius Peckham, foreman, the vessels were moored, and the ships discharged by means of booms and scows. By Christmas 3 sections were framed, and in the autumn of 1853 6 sections were complete. The first vessel taken on for repairs was the steamer *Pacific* in 1853. In 1854 admiral (then captain) Farragut was appointed to the command of the island, with instructions to carry on the work of completing a naval station. Isaiah Hanscom had been sent out to superintend the construction of the marine railway and basin, and was appointed subsequently naval constructor. The frigate *Independence* was the first U. S. ship which tested the dry-dock. She was taken upon 8 sections, with her batteries, spars, stores, and crew of 500 men on board. Dec. 11 and 12, 1855. The trial was superintended by P. Burgess, of the N. Y. Co. which built the dock. *Sac. Rescue*, Feb. 2, 1871; *Vallejo Chronicle*, Feb. 16, 1878; *S. F. Alta*, June 6, 1854. The state ceded its interest in Mare Island

was $100,000, and the second $100,000 for a blacksmith-shop.[28] Then there was $150,000 for a floating wharf and basin in 1853, besides about $30,000 for other objects in connection with it. The thirty-third congress appropriated about $1,000,000 for completing blacksmith-shop, storehouses, basin, and railway at Mare Island, and in 1856 the appropriations for construction reached[29] $441,000 for that year.

Large sums were appropriated for fortifications[30] on Alcatraz Island and Fort Point, and for an arsenal at Benicia, at least $1,933,000 being expended on the two first-mentioned works from 1854 to 1856.[31] Besides

to the U. S. in 1854. *Cal. Stat.*, 1854, 161-2; *Cal. Jour. Sen.*, 1854, 218, 284-6, 505; *App.*, no. 4. It is stated in the *S. F. Herald*, Jan. 22, 1853, that $85,000 was paid for the island; but Gwin says $50,000. He also states that after 25 years, and the most thorough investigation of all claims, parties were found setting up claims to this property. 'The law officers of the govt must have strangely neglected their duty if these claims have any validity.' *Memoirs*, MS., 82.

[28] *Cong. Globe*, 1851-2, pt. iii., Laws xxi. Gwin says he meant to correct the policy in regard to navy-yards on the Atlantic coast; to have only one on the Pacific coast, and that one equal to the necessities of the govt. As this was to be on a grand scale, and the workshops were to exist for all time, he thought it right that their construction should be equal to the demands of the service. The blacksmith-shop was to contain 196 furnaces, and cover acres of ground; and at the high prices then ruling in Cal. would cost $100,000. He endeavored to smuggle the appropriation into the finance committee's budget, but the sharp eyes of Mason of Va detected it, and with much solemnity, stated to the senate that Gwin had put down $100,000 for a blacksmith-shop, whereas he had never seen one in Va which cost more than $100. The appropriation was stricken out, but Gwin got it at the next session. *Memoirs*, MS., 82. It will require $15,000,000 or $20,000,000 to complete the navy-yard as designed. *Cal. Register*, 1857, 135-6.

[29] A man named Vance had a fat contract with Mare Island in 1856, when 'he furnished thousands of millions of lumber at $40 per M.' *Eureka West Coast Signal*, Nov. 5, 1873.

[30] Defences were earnestly desired by the Cal. people. An attack was feared from the French. *U. S. Sen. Doc.*, 16, 57, 58-9, 61, vol. vi., 33d Cong., 2d Sess. And there appears to have been some foundation for their apprehensions, for on the 13th of June, 1855, a French corvette and Russian frigate fought a battle off the harbor of San Diego. The Russian poured a broadside into the Frenchman, which blew up at half-past 11 o'clock. The Russian then entered the harbor for repairs. She had 68 killed and 150 wounded. The vessel carried 83 guns and 900 men. The French vessel was the *Egalité*, carried 23 and 320 men. It was said her captain, Duchene, fired the magazine rather than strike his flag. *Hayes' Coll., San Diego Co. Local Hist.*, i.

[31] The subject of fortifying the harbor of S. F. engaged the attention of the govt soon after the treaty with Mexico in 1848. A commission was appointed consisting of majors Ogden, Smith, and Leadbetter of the army, captains Goldborough, Van Brunt, and Blunt of the navy, and R. P. Hammond, J. M. Williams, and James Blair, who jointly were to select sites for fortifications and navy-yards. They selected for the navy-yard Mare Island, as I have stated. They also selected Benicia for the storehouses and arsenals of

the direct appropriations to California, congress, on the representations of the California delegation, voted extra

the army, helping, with the P. M. S. S. Co., which had its depot at Benicia, to establish a rivalry between that point and S. F. *Sherman's Mem.*, 67–8; *Vinton, Qr-master's Rept*, U. S. A., 1850, 248–52, 274–80; *Pac. News*, Jan. 10, 1850. Gen. Persifer Smith gave it as his opinion that S. F. was 'in no way fitted for military or commercial purposes.' Smith's rept, in *Frost's Hist. Cal.*, 448–9. Says Gwin: 'Every important site in Cal. was covered by a private claim—Fort Point, Alcatraz, Goat Island, Angel Island, and Mare Island. I at first thought it best to settle those claims without inquiring into their validity, in order to proceed with the public works that were so much in demand on the Pacific coast. It was by my advice and counsel that the sum of $50,000 was paid to claimants to Mare Island, in order that the work on the navy-yard should be promptly commenced. But it was soon perceived that there would be no limit to these demands.' *Memoirs*, MS., 178. Castro claimed Yerba Buena or Goat Island, so called from being a pasture for goats from 1841 to 1849. Nathan Spear bought off Castro, and with Jack Fuller, kept goats and cattle upon it from 1847 to Feb. 1849, when Spear sold to Edward A. King, harbor-master of S. F., his interest for the consideration of 100 cents. *Spear, Papers*, MS., 3, *S. F. Alta*, June 12, 1868. King erected a cabin with posts, sods, and a thatched roof, for the use of a herder. The island appears to have been claimed by a Dr Jones in Feb. 1849, who employed John Hall to survey it and make a plat. In 1850 Jones had it resurveyed by A. R. Flint. *Or. Sketches*, MS., 2. His intention was to lay out a town on the island. But in May 1851 Jones sold to James Brady, S. Black, Selim Franklin, and E. Franklin. Subsequently, in May, Brady sold a one-fourth interest to Joel S. Polack. King, whose rights do not appear to have been considered, went to Utah, after vainly endeavoring to sell his claim. Transfers were made, by Polack and Franklin, to Morrison and Tennent; and further transfers to Carptentier, and to Frank M. Pixley, in 1855; and from Pixley to Eliza J. Hall in 1857. John Hall also had a deed from King in 1858. In that year Eliza J. Hall brought suit against Thomas J. Dowling, who occupied the island with John G. Jennings. The plaintiff was nonsuited on account of a suit pending between the govt and Polack, the U. S. claiming the island. Dowling and Jennings claimed to have settled upon the island in 1849, and to have occupied it in person or by tenant until 1867, when the U. S. dispossessed them with troops. As late as 1878 a petition was presented in the U. S. senate, from the atty of Benjamin Brooks, Egbert Johnson, and John Turner, alleging that they had purchased the island from Dowling and Jennings. They asserted that the title was derived from a city ordinance of 1855, a state law of 1855, and a congressional act of 1864; but the govt retained possession.

The history of Alcatraz, White, or Bird Island is more simple. It was granted by Pio Pico, governor of Cal., to Julian Workman, in 1846. Workman granted it to his son-in-law, Temple, who in March 1849 conveyed it to Frémont, governor of Cal., for $5,000, 'as the legal representative of the U. S.' Frémont subsequently conveyed it to Palmer, Cook, & Co., without paying the $5,000 to Temple, for which Temple sued him. Palmer, Cook, & Co. sued the govt; but as the island was purchased in the name of the U. S. they had no claim. *Sac. Union*, Feb. 14, 1856. This island is a rock about one fourth of a mile long, 525 feet wide, 140 feet high, and lies a mile from the wharf at North Beach. Fortifications were commenced on the island in 1854, the cost of which was estimated by Maj. J. G. Barnard at $600,000, but $850,000 was appropriated. Three batteries, mounting 43 guns, 68, 42, and 28 pounders. Magazines were cut in the rock, and the works were strong and complete. A Fresnal light was erected, 160 feet above sea-level. *S. F. Alta*, Aug. 2, 1855; *Sac. Union*, Nov. 14, 1855; *Engineer Repts*, in *U. S. Ex. Doc.*, 33, i., no. 82, 1–6. Fort Point, which was fortified at the same time,

pay to the officers[32] and men of the army and navy who served in California in the high-priced times of the first gold period. A settlement was made also with the military collectors of the civil fund, who were allowed a percentage; and payment was made to the California battalion of mounted riflemen, which, under Frémont, joined in the conquest of California.[33]

An important object was helped forward by Gwin while chairman of the naval committee, namely, the coast survey on the Pacific, important not only to the shipping interest, but necessary before light-houses and fortifications could be erected. The work of surveying the coast had been commenced in 1849, and was much interrupted by the disturbed condition of the population, and the extraordinary expenses attending it during that and the succeeding two years. Congress, as not infrequently happens, made an injudicious selection of objects on which to practise a spasmodic economy, and the ways and means committee and the committee on finance would have appropriated no more than $40,000; but the California senator brought to bear proper arguments on the chairman of the com-

cost $1,038,000. Granite was brought from Folsom to be used in its construction. *S. F. Alta*, Dec. 22, 23, 1853; June 12, 1854; and May 5, 1856; *U. S. Sen. Doc.*, 24, vi., 33d Cong., 2d Sess.; *U. S. Sen. Misc.*, 15, vol. i., 33d Cong., 2d Sess.; *U. S. Sen. Doc.*, 50, vol. viii., 33d Cong., 1st Sess.; *U. S. H. Ex. Doc.*, 82, vol. x., 33d Cong., 1st Sess.; *Id.*, *Doc.*, i., pp. 109–10, vol. i., pt. ii., 33d Cong., 2d Sess.; *Cal. Mil. Scraps*, 82–3; *Cal. Reg.*, 1857, 134. The other places fortified about the harbor at a somewhat later period were Lime Point, 50 guns; Angel Island, 50; Point San José and Presidio Hill, 50 each; Fort Point, 164; Alcatraz, 47. I have spoken elsewhere of Lime Point. Angel Island was ceded to the U. S. by the state as early as 1852 or 1853. *Cal. Jour. Assem.*, 1852, 840. It was claimed in 1855 by Antoine María Osio; but the claim was adjusted.

[32] Mrs Major Canby copied papers for the convention at Monterey to gain much-needed means of living; and Mrs Colonel Casey lived on board of an old ship; and Mrs Captain Westcott, when her husband entertained his friends at dinner, served, with her mother, at table. These things were because officers could not afford servants, a cook costing all a colonel's salary; and the chivalrous Gwin was much shocked at the impropriety of women being engaged in menial services, or even copying papers for money. *Memoirs*, MS., 47–8.

[33] The battalion received $130,000. Frémont had, besides, a claim for beef furnished, amounting to $235,000, which was paid. The extra pay of the army amounted to $30,000 annually, from 1848 to 1852, and was continued at a lessened rate still longer. *Cong. Globe*, 1851–2, pt. i. lxxx. *U. S. H. Ex. Doc.*, 77, vol. x., 33d Cong., 1st Sess.

mittee on commerce in both houses, who added an appropriation of $250,000 to their list for coast survey purposes, and so brought the sum up to a working figure. The result of this more liberal policy was to so hasten the progress of the surveys that as much was accomplished in ten years on the Pacific as had been done in thirty on the Atlantic coast.[34]

A measure in which Californians were interested almost more than any other was the settlement of private land claims, and the survey of the remaining public lands. Until this was done, no man could be sure when he settled upon a piece of land that he would be allowed to remain there. It was obvious that such a state of landed affairs must be prejudicial to the permanency of society, as well as to its morals and its financial standing. I have already pointed out how it affected legislation. Among the first bills presented by the California delegation was one "to provide for the ascertainment of private land claims in California, and for the adjudication and settlement of the same."

The bill as presented by Gwin was opposed strongly by Benton on the ground of injustice to Mexican claimants, in putting their claims to the proof in courts of law, and allowing them to be appealed, even to the United States supreme court, thereby exhausting their means, and practically robbing many of the greater portion of their lands,[35] which went to enrich lawyers. His view of the working of the law proved

[34] Its success was also due to the ability and energy of the officers detailed by the superintendent to carry out the work. The first corps for the land portion of the survey consisted of Asst Supt James S. Williams, Capt. D. P. Hammond, and Joseph S. Ruth; the naval survey being conducted by Lieut W. P. McArthur in the schooner *Ewing*, commanded by Lieut Washington Bartlett. At a late period, Prof. George Davidson became the head of the coast survey on land, which work he carried on for many years with distinguished success.

[35] Said Benton: 'Such a principle applied to Cal. or New Mex. would be perfectly equivalent to a general confiscation of landed property in the country, and that of the two, it would be more merciful at once to pass an act of general confiscation, so as to permit the people to go to work in some other way to obtain land, and to save the expenses, anxieties, and I believe I may say the horrors of going through three lawsuits for their property, and one of these lawsuits 3,000 miles from where they live.' *Cong. Globe*, 1850–1, 158.

to be the correct one, as I have shown, although the author of it afterward claimed that by its means the land titles had been settled in California in one third of the time occupied in litigating those of Louisiana and Florida, some of which were still unsettled. Other persons in California believed two or three years a sufficient time in which to adjudicate the Hispaño-California titles, by simply creating a commission of registration to sit in the northern and southern districts, to receive from claimants such written evidence of title and rights of possession as they might have received, or chose to present, together with whatever other evidence they had to offer in support of their claim, all of which should be registered, and furnished to the surveyor-general of the state, who should proceed to segregate these claims as fast as their examinations were completed;[36] and where disputes as to boundaries occurred, which could not be adjusted by the claimants, arbitrators should be called in, and their decisions should be final, the United States issuing a patent for the land as thus bounded. Had this been done, most of the lands in

[36] Crosby says he knew many instances where the claimants would have been glad to sell their land at a merely nominal price—25 or 50 cents per acre—but could not because their titles were not confirmed, or were in litigation. Other persons supposed that, under the rigorous application of the equity powers conferred on the commissioners and the U. S. courts, many claims would be set aside, and the lands revert to the govt, when they could take them by preëmption, which they thought the safer course; and still others feared that if they bought of the original claimants they might have to buy again of the U. S.; and altogether a condition of uncertainty was created which greatly retarded settlement. Many were forced to retain their lands waiting for their titles to be perfected, struggling along as best they could, until the final confirmation, and until the growth of the state had made them enormously valuable, when finding themselves in possession of incomes sufficient to enable them to hold them, they would not part with their acres to those who desired to cultivate them, which was another form of the evils resulting from dragging a claimant through the land commission, after which by the operation of the law all confirmations stood appealed to the U. S. dist court, and again to the U. S. sup. court, a process which in a majority of cases made bankrupt the original claimant. Speculators bought up their claims for nominal prices, and prosecuted them in the courts, finally getting possession, so that the native Californians were practically despoiled. 'I think the political influence, by pandering to the squatter vote, had more or less to do with the enacting of the law creating the land commission, and the continuance of cases by appeal through the different courts.' *Early Events in Cal.*, MS., 72-4. Often during the period a lawless squatter population held possession.

California covered by Mexican grants would have been disposed of to settlers at a low price; whereas, by the working of the act of congress passed in February 1851, by keeping claims in the courts for eight, ten, or twelve years, not only ruined the holders, but prevented the occupation and improvement of the lands by others who desired to purchase them. Whether this was a mistake in judgment on the part of Gwin, who labored hard to convince the senate that he was simply making it impossible for a fraudulent claim to be confirmed, or whether other considerations influenced him, would be hard to determine; but certain it is that the effect of the law was pointed out to him by advisers in California, as well as by the Missouri senator. On the passage of the act, commissioners were immediately appointed, who proceeded to California to assume their duties about the last of December 1851.[37]

The first annual appropriation for this commission, with the surveys, was $106,000.[38] The following year it was larger, and under the administration of President Buchanan it had grown to be $114,000 for the commission alone. The appropriation for surveys and subdivision of the public lands in California, and for subdividing the islands on the southern coast, amounted in 1852 to $115,000; in 1853 to $160,200; in 1854 to $360,000.[39] In 1854 California received in direct ap-

[37] The commissioners appointed by Prest Fillmore were: Harry L. Thornton, Augustus Thompson, and Alpheus L. Felch. The succeeding administration thrust them out, and appointed others. *Tuthill, Hist. Cal.*, 535. 'I will say this,' Crosby observes, 'in justice to the first land commission appointed under that law: they evinced a disposition to administer it upon a broad and liberal basis of equity and justice to the claimant, and if the U. S. had stopped there, and considered as confirmed and patented those claims which had been confirmed by the first commission, a vast amount of injustice would have been avoided.' *Early Events in Cal.*, MS., 74.

[38] For the expenses of the commission $50,000; for the cost of surveying private claims $150,000; and $6,000 for a law agent. In 1852 an appropriation was made for two law agents, 'skilled in the Spanish and English languages,' $5,000 each, and $2,000 each for a secretary and 3 clerks. *Cong. Globe*, 1850–1, 821.

[39] As an example of the ease with which money was obtained by appropriation, here is the list of grants in 1854, when Gwin and Weller were together in the senate: Ind. war debt, $950,000; survey of public lands, $360,000; fortifications, $330,000; beef furnished by Frémont, $235,000; removing and sub-

propriations about four millions, and in appropriations in which the state was concerned, three millions more. Large amounts continued to be appropriated[40] so long

sistence of Indians, $225,000; navy-yard at Mare Island, $200,000; coast and island survey, $160,000; exploration of Pacific railroad, $150,000; Cal. land com., $105,000; erection of appraiser's store, $100,000; light-houses, $75,000; purchase of custom-house block, $150,000; survey of Mexican boundary, $250,000; mint, $100,000; Frémont battalion claim, $130,000; grading U. S. marine hospital lot, $44,000; expenses of land com., $43,000; miscellaneous appropriations in deficiency bill, $300,000. But at this time California was emptying millions a month into a lap of the east.

[40] *Sac. Union*, May 5 and Sept. 19, 1856; *S. F. Alta*, April 25, 1856. The *S. F. Chronicle's* Washington correspondent in a letter of July 5, 1886, copies the list of appropriations received by Cal. from a recent treasury report made by the direction of congress, classifying the expenditures of the govt from 1789 to 1882. As a good bit of history, California's portion is here condensed, and need not be again referred to: total amount for the custom-house, $793,522.39; marine hospital, $298,933.52; first appraiser's stores, $100,000; new appraiser's stores, $840,000; subtreasury, $107,000; post-office at Sac., $100,000; mint appropriations, $2,629,192.37; whole amount for public buildings down to 1882, $4,868,684.28.

The first river and harbor improvement work authorized by congress to be done in Cal. was in 1852, the building of a levee across the mouth of San Diego River, to turn it into its former channel into False Bay, for which $30,000 was appropriated. *Cong. Globe*, 1851–2; *U. S. Laws, App.*, p. xxviii. Since that time $2,638,600 has been expended on rivers and harbors as follows: S. F. harbor, $75,000; Humboldt harbor, $142,500; Oakland harbor, $874,600; Petaluma Creek, $30,000; Redwood harbor, $3,000; Sac. River, $390,000; Sac. and Feather Rivers, $45,000; San Diego River, $75,000; Mokelumne River, $8,500; San Joaquin River, $80,000; San Joaquin River and Stockton and Mormon sloughs, $60,000; Wilmington harbor, $705,000; harbor of refuge between S. F. and the Straits of Fuca, $150,000.

For light-houses, beacons, buoys, etc., $1,273,272 have been expended as follows: Angel Island fog-signal, $4,500; Ano Nuevo Point light station, $100,000; beacons and buoys, $17,283; Cape Mendocino light station, $120,000; Crescent City light station, $15,000; East Brother Island light station, $50,000; Humboldt light station, $40,000; Mare Island light station, $29,989; Northwest Seal Rock light station, $170,000; Oakland light station, $5,000; Piedras Blancas light station, $92,000; Pigeon Point light station, $90,000; Point Bonita light station, $60,000; Point Concepcion light station, $53,000; Point Firmin light station, $30,000; Point Hueneme light station, $32,000; Point Pinos light station, $6,000; Point Reyes light station, $140,000; Point Arenas light station, $93,000; Santa Bárbara light station, $52,000; Santa Cruz light station, $40,000; Trinidad head-light station, $20,000; Yerba Buena light station, $15,000.

For defences $6,617,257 have been appropriated and expended as follows: Arsenal at Benicia, $825,757; defences at S. F., $1,027,000; Fort Alcatraz, $1,697,500; Fort Point fortifications, $2,517,500; Lime Point fortifications, $500,000; San Diego fortifications, $50,000. The sum total of appropriations here mentioned amounted to $15,397,813. Concerning the project to establish a permanent arsenal at Benicia, see report in *U. S. Sen. Doc.*, 47, viii., 32d Cong., 2d Sess. It will be observed that the list of the *Chronicle* correspondent leaves out the millions appropriated for the Mare Island navy-yard, the payment of the Indian war debt, the com. on private land claims, the appropriations for surveys of public and private lands, the expenses of the post-office department over its income in carrying the mails by steamer from Panamá to S. F.; the appropriations to keep peace with the Indians; the expense of supporting an armed force ashore and afloat, with other govt matters pertaining to Cal.

as Gwin's great measures remained incomplete, or could be made to serve for political capital; and few could be found so mean-spirited as to wish to withhold a few millions annually from the busy young state which sent forth from forty to fifty millions every year in treasure. If they had, the California delegation understood perfectly how to smuggle through an appropriation for a single object in separate bills, and how to make presents to their friends among the deficiency appropriations; indeed, our people and their servants have never lacked skill in that first of political fine arts—bribery. A kind of moral intoxication, a gold-drunkenness, had debased the public mind and distorted the spiritual vision, until men esteemed it a distinction to become noted for procuring or handling, even for stealing, large sums of money; and it was only when their own fortunes, or their lives, were in danger, that their fellows plucked up courage to rebuke them.

Coördinate with the desire to have private land titles settled in California was the wish to secure large amounts of public lands for state purposes and preëmptions. In order to provide for the failure of some, a number of bills were introduced together, which I have mentioned by their titles elsewhere. By an accident of legislation the state received 5,000,000 acres of swamp and overflowed lands, which by reclamation became the most valuable of any of its lands. By the act of September 4, 1841, it was entitled to 500,000 acres for internal improvements, which the framers of the constitution devoted, instead, to the common-school fund. On the opening of the thirty-second congress, Senator Gwin, in a bill providing for the survey of the public lands in California, included the granting of donation privileges similar to those which were enjoyed by Oregon; but congress was no longer under the necessity to offer compensation to emigrants to the Pacific coast, and this bill failed. He also, being mindful of the squatter proclivities in the voting popu-

lation of his state, addressed the senate in favor of allowing preëmptors on Mexican claims to prove up their preëmptions, and give the Mexican owners, should their titles be confirmed, a floating claim for the same amount of land, which could be located on any public lands in the state; in other words, making the whole state public land, and letting the native Californians take their chances with the Americans in securing claims. The proposition on its face had a piratical look, which caused it to be rejected with some severe criticism; yet the results of such a course could hardly have been more melancholy for the natives than the operations of the private claims commission.

At this session also the land question came up in the house in the form of a homestead bill, which received little encouragement in the senate, from a fear entertained by a majority that the government was overstepping the bounds of its authority in granting lands belonging to all the states, for the benefit of one or more states. This feeling was engendered by the grant of a large amount of public land to the state of Illinois to build a railroad, and was entertained alike by senators from Maine to Louisiana, although, as a section, it was the south that was opposed to bestowing the public lands on railroad companies. The homestead bill therefore failed to pass at that or any session until 1862, when a republican congress enacted a homestead law.

It was not until March 3, 1853, that the public lands in California were admitted to preëmption rights. The same act which conferred this privilege made a grant to the state of two entire townships for the use of a seminary of learning, to be selected by the governor of the state from the public domain, mineral land being excepted; and also ten sections, selected in the same manner, to aid in erecting the public buildings. No other grants were made to the state until nine years afterward, when congress donated to the several states and territories land for an

agricultural college, to be apportioned at the rate of 30,000 acres for each senator and representative to which they were entitled in 1860, according to which distribution California received 150,000 acres. The 16th and 36th sections were granted for public school purposes by the act of March 3, 1853, the irregular manner of her admission having deprived congress of the opportunity of granting at that time the customary dowry of a new state in school lands. Lieu lands were allowed to be taken in the place of the reserved sections, where those were absorbed by private grants.

In relation to these several grants of land, in 1869, all of the 500,000-acre grant had been sold, excepting 10,000 acres, represented by outstanding school warrants. All of the seventy-two sections, and ten sections, had been sold. Very little swamp-land remained, and only the least desirable of the surveyed common-school lands. The agricultural-college grant was converted to the use of the state university by an act of the legislature of 1868. By an act of the same body, provision was made for the sale of all the lands of every kind owned by the state, or in which she had any interest, the maximum price being fixed at $1.25 an acre.[41]

Thus in eighteen years the state had disposed of her vast landed possessions, making no attempt to increase their value by improvements, nor leaving any to rise in value along with the development of the country about them. The money realized was appropriated in the manner heretofore shown, a large part of it having been dissipated by the extravagance of the early legislatures, or fraudulently disposed of by political tricksters in collusion with dishonest officials.[42] The funds created have been borrowed by the state, the interest on the money obtained by sac-

[41] In 1864 congress granted to the state of Cal. the Yosemite Valley, and Mariposa big tree grove, not to sell, but to retain as a public resort, for recreation, to be 'inalienable for all time.' *Gov. Mess.*, 1873, p. 33–4.

[42] *Rept of Joint Committees on Swamp and Overflowed Lands, and Land Monopoly*, presented at the 20th session of the legislature of Cal.

rificing the state's lands, taking the place of the income which should have been derived from a judicious care for them.

Among all this waste, one idea has not been lost sight of, that the educational interests of the state must receive such aids as were possible; and accordingly much has been converted to education which was not intended by congress for the use of schools; namely, the internal improvement, seminary, and public buildings appropriations; and the state has drawn from the people to supply the deficiency created in its resources for public improvements. From the sale of tide-lands in the city and county of San Francisco, $200,000 was appropriated to the benefit of the state university in 1869. Subsequently, the legislature donated to the university a sufficient sum from the proceeds of the sale of salt marsh and tide lands to produce an annual revenue of $50,000, which sum was invested in the state bonds.[43]

It might reasonably be expected that, being involved in practices such as here are briefly touched upon, the history of land frauds, for example, being of sufficient bulk to fill a volume, the credit of the state would be destroyed. On the contrary, such is the vitality and such the resources of the people and country, that in defiance of oppressive taxation, and despite of waste, the upward tendency has been steady, and not slower than in other new states. No institution of public benefit customarily supported by the commonwealths but has been liberally provided for in California. The solid character of the people, underneath the political scum, has saved the reputation and the fortunes

[43] I have made no mention of mineral lands, because they have remained the property of the gen. govt. After much discussion in congress, it was decided to leave them free and open to exploration and occupation, by and to all citizens of the U. S., and those who had declared their intention to become such, and to leave the govt of the mining districts to the local regulations of the miners, where they did not conflict with U. S. laws. Act of July 26, 1866, in *Zabriskie, Land Laws*, 199-207. At a subsequent period patents were allowed to a certain amount of mineral land; since which time a large quantity of this class of lands have been sold.

of the country, as in time it will rid the state offices of unfit incumbencies, and check the jobbery of its legislatures.[44]

[44] *The California Register* for 1857 contains 'the first attempt to present a tabular view of the finances of the several counties of the state,' and from it I extract the following totals: The total debt of the state in Jan. 1857 was $12,163,090, $8,592,994 of which was funded, and $4,068,589 was floating indebtedness. Total assets, consisting of cash, indebtedness from counties recently organized, and delinquent taxes, amounted to $498,493. Dividing the whole indebtedness between the state, the counties, and the cities, 8 in number, the state owed $4,128,927, the counties $2,365,260, the cities $5,668,903, S. F. debt being $3,661,730, and Sac. $1,507,154. The rate of interest ranged from 7 to 12 per cent, though a part of the debt of S. F. drew but 6 per cent, and a part of San José's drew 30 per cent interest. The assessed value of the occupied lands was $28,924,174.15; of the improvements thereon $17,319,470. The valuation of town and city lots was $6,494,008, and the improvements thereon $5,927,414. The personal property of the state was $29,877,679.95. Total value of property, real and personal, $95,007,440.97. The state tax of 70 c. on each $100 produced $665,315.45. The whole amount received into the state treasury, down to June 30, 1856, from every kind of tax, was $4,057,237.49, while the expenses of the state departments had been $7,039,651.19. There was a similar discrepancy in county and city incomes and expenses. The total shipments of gold out of the state in the same period were $322,393,856. The total duties collected on imports at S. F., $13,333,165. Total value of imports, free and otherwise, from 1853 to 1856 inclusive, $27,447,550.

CHAPTER XXIII.

POLITICAL HISTORY.

1850–1854.

Quality of our Early Rulers—Governor Burnett—Governor McDougal—Senatorial Election—Sowing Dragon's Teeth—Democratic Convention—Senator Gwin, the Almighty Providence of California—Party Issues—Governor Bigler—Broderick—White vs Black—Slavery or Death!—Legislative Proceedings—Talk of a New Constitution—Whigs, Democrats, and Independents—Another Legislature.

The composition of Governor Burnett's character was such that he could without friction accommodate himself to circumstances, and make friends, or at least avoid making enemies, on either side of a question. He was suave, correct, with enough of a judicial air to give his opinions weight in ordinary affairs, with enough lightness and elasticity of intellect to enable him to float safely upon the surface of public opinion, and from extraordinary issues to escape scathless. Whatever in the heat of conflict we may say of such men, they are of a recognized value in society, holding the balance even when anarchy would result from more able management. His life, though crowned by no great or noble achievement, has not been marred by a single conspicuous error. As superior judge, under Riley's administration, he occupied the highest position to which he could be chosen under the government de facto; and as first governor of California he again stood approved by the voters of 1850. But he was a little too slow in action and too wordy in speech for quick-witted men of deeds; a little too con-

servative for the men of 1851, so rapidly did things change at this period; and had some prejudices which he did not care to render prominent, had changed his religion from protestant to catholic—a matter which he thought greatly concerned him, but did not in the least other people; besides which, he wished to attend to private affairs;[1] so he resigned the executive office on the 9th of January of that year,[2] just after the sec-

[1] *Burnett, Rec.*, MS., passim; *Sac. Transcript*, Jan. 14 and Feb. 1, 1851; *Cal. Jour. Sen.*, 1851, 43, 44, 45, 46. Peter H. Burnett was born in Nashville, Tenn., Nov. 15, 1807, of Va parentage, to which may be attributed his ineradicable dislike of the free negro. When 10 years of age he removed with his father to Howard co., Mo., and a few years later to Clay co., where he attained the age of 19 years, in contact with a rude border society. In 1826 he returned to Tenn., where he became clerk in a store at $100 a year, and later at $200. He married, before he was quite 21, Harriet W. Rogers, started in business, studied law, and became editor of a weekly newspaper at Liberty, Mo., *The Far West.* His first law business was in prosecuting some Mormons for debt, and afterward was employed as counsel by the Mormon leaders whom Judge King had committed to jail in Liberty, they being charged with arson, robbery, and treason. In 1843 he emigrated to Or., where he became a farmer, lawyer, legislator, and judge. In 1848 he came to Cal. in the first company of gold-seekers, and was unpronounced enough never to have made any conspicuous failures either in business or politics. In 1857 he was appointed a justice of the sup. court of California, which position he held until Oct. 1858. He afterward became president of the Pacific Bank of S. F., in which he held a large interest. He retired from business about 1880. A lengthy dictation which I took from him he had copied and printed as *Personal Recollections.*

[2] The senate consisted in 1851, in addition to the members holding over, of W. Adams of Butte and Shasta districts, whose seat was contested, and who resigned April 28, 1851; E. O. Crosby, of Yuba and Sutter districts; P. de la Guerra, of Sta Bárbara and San Luis Obispo districts; D. F. Douglas, of Calaveras; S. C. Foster, of Los Angeles, elected to fill vacancy; T. J. Green, of Sac.; B. S. Lippincott, of Tuolumne; S. E. Woodworth, of Monterey; M. E. Cooke, Sonoma; E. Heydenfeldt and D. C. Broderick, S. F.; A. W. Hope, Los Angeles; who resigned Jan. 11th; T. B. Van Buren, San Joaquin; J. Warner, San Diego. The assembly consisted by D. P. Baldwin and B. F. Moore, Tuolumne, F. C. Bennett, I. N. Thorne, J. D. Carr, J. S. Wethered, W. W. Wilkins, W. C. Hoff, S. F.; J. Bigler, D. J. Lisle, C. Robinson, Sac.; T. Bodley, A. C. Campbell, Sta Clara; J. S. Bradford, A. Stearns, Sonoma; E. Brown, Contra Costa; H. Carnes, Sta Bárbara; J. Cook, San Diego; J. S. Field, Yuba; C. J. Freeman, San Luis Obispo; G. D. Hall, J. J. Kendrick, El Dorado; E. B. Kellogg, Sta Cruz; J. Y. Lind, D. W. Murphy, Calaveras; A. G. McCandless, Shasta; J. W. McCorkle, Sutter; W. C. McDougall, F. Yeiser, San Joaquin; A. Pico, Los Angeles; S. A. Merritt, H. S. Richardson, Mariposa; A. Randall, Monterey; R. F. Saunders, Butte. *Cal. Reg.*, 1857, 192–6. Of that body of men I find here and there mention of one who has gone over to the silent majority. Thomas Bodley, born in Lexington, Ky, in 1821, came to Cal. in 1849, via N. O., and engaged in merchandising at San José with Thomas Campbell. He was also in the grain business, and at one time collector at Alviso. He served as under-sheriff during the term of Wm McCutchen. During this period he completed the study of the law, begun some years previous, and at the expiration of his service as sheriff began a successful practice. He sustained a character for integrity and liberality in his

ond legislature met in session,[3] and was succeeded by the lieutenant-governor, John McDougal, a gentlemanly drunkard, and democratic politician of the order for which California was destined to become somewhat unpleasantly notorious.[4]

adopted city. *San José Pioneer*, Sept. 21, 1878; *Santa Cruz Co. Times*, Feb. 23, 1867. John S. Bradford came to Cal. from Ill. in 1848 or 1849. In the latter year he had a pack-train carrying goods from Sac. to Auburn. Later he used wagons, and had a store at Stony Bar, on a fork of the American river, where he built the first house of logs. *Moore, Pioneer Express*, MS., 2–7. He was in partnership with Semple at Benicia, as one of the firm of Semple, Robinson, & Co., for the transaction of general business. This firm purchased the Chilian bark *Conferacion*, with an assorted cargo of East Indian goods, which was dismantled and used as a wharf. *Solano Co. Hist.*, 154–5. He was the first assemblyman from Sonoma dist. In 1853 he returned to Springfield, Ill., where he was several times elected mayor. *Benicia Tribune*, Feb. 7, 1874.

[3] The prest of the senate was D. C. Broderick; prest pro tem., E. Heydenfeldt; secretary, J. F. Howe; asst sec., W. B. Olds; enrolling clerk, H. W. Carpenter; engrossing clerk, E. Covington; sergt-at-arms, C. Burnham; doorkeeper, W. B. Stockton. Broderick was elected clerk of the supreme court Feb. 21st, and John Nugent filled the vacancy. *Cal. Reg.*, 1857, 191. W. E. P. Hartnell was awarded the contract for translating the laws into Spanish. His pay was limited by law to $1.50 per folio. He was required to give bonds in the sum of $30,000 for the correct and entire translation of the statutes. *Cal. Stat.*, 1851, p. 404–5; *Val., Doc.*, MS., 35, 296, 307, 317. John Bigler was speaker of the assembly.

[4] John McDougal was born in Ohio in 1818, and in boyhood removed to the vicinity of Indianapolis, Ind., where he was supt of the state prison in 1846. He was a captain in the Mexican war, in which he distinguished himself. The Black Hawk war breaking out about the time he arrived at his majority, he became captain of a company of volunteers, and served the country faithfully. In 1849 he came to Cal. with his brother George, and served in the const. convention. He was fine-looking, and adhered to the old style of ruffled shirt front, buff vest and pantaloons, and blue coat with brass buttons. He used to say that there were two beings of whom he stood in awe—God almighty and Mrs McDougal. The latter always treated him with patient kindness, although often compelled to bring him home from a midnight debauch. He had occasional fits of despondency, which peculiarity is not uncommon among wits and good livers. It is even said that on several occasions he attempted suicide. Although not at that stage of his ruinous career when elected lieut-governor, he was seldom fit for the discharge of his duties. Yet such was the influence of his naturally genial and generous deportment, cultivated mind, and brilliant social talents, that only his political enemies, and not always those, could bring themselves to treat him with the contempt another man in his position would have received. He owned property in Sutterville. He died March 30, 1866. S. F. *Monitor*, April 7, 1866; *Buffalo Express*, in *Hayes' Cal. Notes*, v. 86; *Buffum, Six Months in Cal.*, 153; *Placer Times*, Nov. 10, 1849; *Hayes' Cal. Notes*, iii. 46; *S. F. Alta*, March 31, 1866; *Crosby's Early Events*, MS., 37–8; *Gwin's Memoirs*, MS., 13; *S. F. Call*, Sept. 6, 1868; *Overland Monthly*, xiv. 329; *Sac. Transcript*, March 14, 1851. His brother George, a man of herculean proportions, engaged in cattle-dealing in Utah, and among the Navajos, was at Bent's Fort on the Arkansas River for some time. He absented himself so long from Cal. that he was supposed to be dead, and his estate was administered upon. Again he disappeared and was recognized in Patagonia, but could not be at that time induced to leave that barbarous coast. He returned, however, to Washington to prosecute a

Previous to this session of the legislature, although some political flourishes had been put forth, particularly by the democrats, there had been little attention given to party marshalling in California. Naturally, after the admission of the state, it became for the interest of office-seekers to consider whether they would support the administration or oppose it. The composition of the legislative body of 1851, chosen in the autumn of 1850, was, democrats, 27; whigs, 18, and independents, 5.[5]

The election of a senator to succeed Frémont, who, hoping and expecting to be reëlected, and having left Gwin to harvest all the honors at the second session[6] of the thirty-first congress, as I have already shown, and who was present at the opening, was the signal to the dominant party in the legislature to put forth its anti-administration and anti-freesoil strength. In order to have time for a satisfactory canvass, the joint convention of both houses was put off until the 18th of February, when the balloting began. The nominees were Frémont, Solomon Heydenfeldt, T. Butler King, John W. Geary, John B. Weller, and James A. Collier.[7] The whole number of votes was 49, and 25 were necessary to a choice. Frémont received but 8 on the first ballot, which was increased to 16 once or twice during the sitting of the convention, which balloted 142 times and sat ten days without being able to elect. Times were changed since 1850, when bear-flag memories and bear-flag men elected Frémont. King, being an administration man, and a southerner by adoption, was thus furnished

claim against the govt; but becoming disheartened by the tediousness of his suit, he killed himself.

[5] *Sac. Transcript*, Feb. 28, 1851. The whole number elected was 52; assemblymen 36, senators 16. *Cal. Reg.*, 1857, 190.

[6] Frémont abandoned his duty for a whole session to electioneer for a reëlection, only to be defeated. *Morn. Globe*, Aug. 19, 1856. Thus it was throughout his entire career—himself first and always.

[7] Nathaniel Bennett, P. de la Guerra, George W. Crane, D. C. Broderick, P. B. Reading, Alfred Morgan, J. Neely Johnson, George B. Tingley, Wm D. M. Howard, T. H. Green, A. Pico, and S. A. Merritt received some scattering votes. *Cal. Jour. Sen.*, 1851, 155–274; *S. F. Alta*, March 1 and 5, 1851.

with two strings to his bow, so that he ran ahead of his competitors on a majority of the ballotings Heydenfeldt, being the first choice of the democrats, ran next best after King, who was beaten by the opposition of the whig political journal at San Francisco,[8] the whig members of the legislature holding a caucus to denounce its editor, and repudiating it thenceforward as a party organ. After a session of 116 days, the legislature adjourned, having passed a large number of laws, and made a few appointments.[9] It had, however, not done any great amount of good for the state.[10]

If the fable of the dragon's teeth had been intended to apply to California, it would have shown a remarkable crop of scoundrels from the sowing.[11] In two

[8] That is to say, the *Courier*, edited by G. W. Crane. The independent press of Cal. at this time was composed of the *Herald* and *Alta* of S. F.; the *Herald* of San Diego; the *Herald* of Sonora; the *Journal* of Nevada City; the *Gazette* of Benicia; and the *Visitor* of San José. The whig press consisted of the *Morning Post, Evening Picayune*, and *Courier* of S. F.; the *Journal* of Stockton; the *Union* of Sacramento; and the *Herald* of Marysville. There was but one democratic newspaper in S. F. in 1851, the *Pacific Star;* one in Stockton, the *Republican;* the *Times and Transcript* united was the democratic organ in Sac.

[9] Atty-gen. E. C. Kewen resigned in 1850. James A. McDougall was elected to fill the vacancy, Q.-m.-gen. J. C. Moorehead was removed, and William H. Richardson appointed to his place, April 26, 1851. Adj.-gen. J. R. Perlee resigned Sept 24, 1850, and E. W. McKinstry was appointed in his stead. State printer H. H. Robinson resigned in May 1850, when J. Winchester was appointed, who resigned in March 1851. Eugene Casserly was elected by the legislature May 1, 1851, and continued in office till the contract system of 1852 was carried into effect. The first contract was awarded to G. K. Fitch and V. E. Geiger, in June 1852, who transferred it, with the consent of the legislature, to George Kerr & Co., in Feb. 1853. The contract system was repealed in May 1854, and B. B. Redding elected state printer, who was succeeded in 1856 by James Allen. *Cal. Reg.*, 1857, 189.

[10] *S. F. Alta*, Jan. 9, 1851; *Hartnell, Convention*, MS., pt. 17; *Sac. Transcript*, June 1, 1851; *Field's Reminiscences*, 73–81, 85–90; *Hayes' Scraps, Angeles*, i. 41.

[11] Alonzo W. Adams, elected to the senate from the district of Butte and Shasta, had been appointed poll-tax collector by the previous legislature. On the settlement of his accounts, after he took his seat, it was ascertained that they did not balance. A large number of written receipts were forwarded to one of the senate committees, showing that he had given these instead of the receipts furnished by the controller, and had diverted this portion of the public revenue to himself. He was examined before a committee, which recommended his expulsion from the senate; but through the influence of personal friends, he was permitted to remain to the close of the session upon his promise to resign and leave the state immediately after. This he did, and took a steamer at a southern port for a destination unknown. W. T. Sexton, in *Oroville Mercury*, Dec. 31, 1865; *Cal. Stat.*, 1851, 537. 'At the

particular features of their characters the ordinary criminal and the corrupt politician are identical—both intend to obtain money without honestly laboring for it with head or hands, and both are ambitious to be chief of their fraternity. A community of interests may unite them, when they become, indeed, the most dangerous of the dangerous classes. Such a combination was rapidly forming in California in the spring of 1851; but for greater convenience and economy of space, I prefer to call attention first to the politicians.

Soon after the adjournment of the legislature, parties began to form under their respective leaders, and while bearing the national names of whig and democrat, were organized merely with reference to state and local questions, and divided among themselves. A third undivided party consisted of independents, who could not accept the platforms or the candidates of the whigs and democrats.

The first state convention of the democratic party assembled at Benicia, May 19, 1851, there being present 176 delegates from the several counties,[12] and there formed their state and congressional ticket,[13] and their state central committee.[14] Corresponding com-

first legislature, says Crosby, 'I think there was not much bribery; there was a different class of men in the first from what there was in the second. I think there was some jobbery in the second legislature. We had not revenue in the first legislature; the state had not been admitted, and there was no money to cover jobs.' *Early Events in Cal.*, MS., 64. A different set of men and more money made a difference. Says Frink: 'The northerners went into business on their arrival in Cal., the southerners into politics. Most of them had held office in their own states, and so were adapted to a political life.' *Vig. Com.*, MS., 10. He might have added that many had left their country for their country's good.

[12] There were now 30 counties, the boundaries of the original ones being readjusted, and Nevada, Placer, and Klamath counties created out of the surplus territory. *Cal. Stat.*, 1851, 172-80.

[13] The state ticket put up the names of John Bigler of Sac. for governor; Samuel Purdy of San Joaquin, lieut-gov.; Richard Roman of Santa Clara, treasurer; W. S. Pierce of Yuba, controller; S. C. Hastings of Solano, atty-gen.; W. M. Eddy of S. F., surv.-gen. For representatives to congress, J. W. McCorkle of Sutter, and E. C. Marshall of Tuolumne. *Hayes' Cal. Pol.*, i. 1.

[14] I think it important to bear in mind the names of party leaders, therefore set down the names of the central committees also. It consisted of Robert Semple of Benicia; Charles Lindley of Marysville; R. P. Hammond and S. A. Booker of Stockton; J. R. Hardenburg, M. S. Latham, and John S. Fowler of Sac.; D. C. Broderick, John W. Geary, F. Tilford, and F. P.

mittees for the several counties were appointed; a committee chosen to report the views and resolutions of the convention,[15] and a Jefferson-Madison-Jackson lauding speech made by Anderson of Tuolumne in the manner of the regular democracy, interlarded by assertions that the present whig administration was intentionally neglecting California because she had sent a democratic delegation to congress; as if it were the custom of congress to send democratic states to Coventry through their representatives. California had been admitted eight months, and had not yet a mint! "This," said the address, "is what we call the proscription of the people of California—the proscription of the great producing masses of California—of the man who toils in the mines. It keeps back from him that which he has earned by the sweat of his brow. When he weighed that ounce of gold, which he obtained by the hard blows of the pick, it was worth only $16. That proscription made it so. A more liberal and enlightened policy—the passage of the measure to which we refer—would have made it worth $18. Of the $50,000,000 dug from the earth by the miners, they lose at that rate of per cent $6,000,000 per annum. Is not this enough to justify us in calling the policy of the federal party, who are now in power, the proscription of the laboring masses of California? Are we not justified in warning you against the spirit and conduct of our rulers?" Thus the democrats.[16]

When Senator Gwin returned from Washington, after the adjournment of congress in the spring of

Tracy of S. F. The president of the convention was William Smith of S. F. The vice-presidents were J. C. Potter of El Dorado; Juan B. Alvarado of Contra Costa; T. W. Sutherland of San Diego; Josh. Holden of Tuolumne; Judge Bright of Yuba; J. H. Ralston of Sac.; James S. Law of Butte. The secretaries were J. F. Howe of S. F.; G. N. Sweazy of Yuba; J. G. Marvin of Tuolumne; and A. C. Bradford of San Joaquin.

[15] Anderson of Tuolumne, J. S. Heenly of Sac., T. W. Sutherland of San Diego, John H. Watson of Santa Clara, and J. G. Wilbur of Butte were chosen.

[16] *Pickett's Paris Exposition*, 13-14; *Cal. Pol. Scraps*, 3-4; *Pac. Star*, i. 66, Aug. 6, 1851, in *Taylor's Spec. Press*, 566; *Sac. Transcript*, May 15 to June 15, 1851; *Placer Times and Trans.*, Sept. 15, Dec. 12, 1851; Jan. 4, Feb. 4 and 29, March 21, 1852; *Bigler's Scrap-Book*, 1851-3.

1851, he issued an address to the people of California, in which he told them that congress was loath to do anything for California, and that he was forced to work hard to extort such favors as he had been able to obtain; for which he was thanked by the legislature in a resolution which omitted the other members of the delegation. He planned the organization of the democratic party, and canvassed the state for the nominees put forward at the convention. The resolutions of the convention gave evidence of having been suggested by the author of certain bills introduced in the senate,[17] and his hand was everywhere visible.[18] Patronage was sought of the great man, and the great man did not despise the help of the meanest.

On the 26th of May the whigs met in convention, in the Powell Street methodist church in San Francisco, 100 delegates being present from twenty counties, seven sending no representatives.[19] Officers were chosen, and nominations made,[20] with the usual par-

[17] *S. F. Alta,* May 2, 1851; *Gwin's Memoirs,* MS., 73. The *Alta* accused Gwin, not without good grounds, of claiming to have accomplished all the good that was done for Cal. There certainly was a scheme to appropriate all the glory. Frémont, after his first three weeks, in which he was allowed to introduce a few bills, was induced to absent himself to attend to his reëlection. The congressmen Gilbert and Wright were persuaded that the senate, being a smaller body, would be sooner acted upon, and therefore that the Cal. business was more likely to be carried if presented there in the first place. Thus the members of the lower house were kept out of sight through their desire to forward the interests of Cal.

[18] It was resolved by the convention to maintain the doctrines of the democratic party as transmitted by Jefferson, Madison, and Jackson; that the mineral lands of Cal. ought not to be sold by the govt, but granted to American miners and immigrants; that all the public lands of Cal. should be reserved from sale, and granted to actual settlers who were citizens; that Cal. was entitled to the civil fund; that California would give a faithful support to the constitution and the union; that the administration of the general govt had been guilty of the most culpable neglect of the interests of Cal., had sent citizens of the older states to fill her state offices, failed to protect her border from savage aggression, utterly disregarded the demands of the people for better postal arrangements, and failed to carry into effect laws actually passed for the good of the state. *Hayes' Cal. Pol.,* i. 1.

[19] These were Colusa, Klamath, Los Angeles, Monterey, Mendocino, Sta Bárbara, and San Luis Obispo. *S. F. Alta,* May 27, 1851.

[20] John Wilson of S. F. was chosen president of the convention; G. R. Griffin of El Dorado, Rush of Sta Clara, J. M. Burt of Butte, Alfred Morgan of Calaveras, James Fitton of San Diego vice-presidents; and James B. Devoe of Sta Clara, P. L. Sanderson of El Dorado, and J. S. Robb of San Joaquin secretaries. The committee on rules, and basis of representation, consisted of A. J. Ellis, S. F.; Horace Smith, Sac.; J. Fitton, S. D.; Thos

tiality to certain districts, and the usual resulting disaffection of the neglected portions of the state. The resolutions adopted[21] had in them a little more meat than those of the democratic convention, albeit they corresponded in a portion of their demands, opposing the sale or lease of mineral lands, but being in favor of the general government holding them for the benefit of the miners, to be worked by them free of taxes; favoring the adjustment of disputed land titles in the state by commissioners under the authority of congress, with the right of appeal to the United States courts; desiring the immediate extension of the preemption laws over the public domain not embraced in the mineral lands, and the adoption of laws which should secure to actual settlers a donation of not more than 100 acres to each head of a family, and grants of the same amount to settlers on private lands, where valuable improvements had been made, under the belief that they were open to settlement; asking generous grants of land for educational purposes; liberal appropriations for works of a public character, and the improvement of rivers and harbors; aid to the construction of a railroad to the Mississippi Valley, the establishment of a line of steamers between California, the Hawaiian Islands, and China; complaining of the

Bodley, Sta Clara; Painter, Shasta; H. Critcher, Yolo; H. T. Boarem, San Joaquin; H. P. Watkins, Yuba; Geo. O. McMullin, Trinity; Judge Brooks and W. S. Mesick, Sutter; J. H. Long, Solano; Charles Justis, Placer; Dr McLean, Santa Cruz; H. H. Lawrence, Napa; E. Stone, Mariposa; J. C. Boazann, Contra Costa; John A. Collins, Nevada; John Minge, Jr, Marin; Bowen, Calaveras; W. D. Ferazee, Tuolumne; Perkiam, Butte; Martin of Tuolumne; E. J. C. Kewen of Sac.; J. C. Fall of Yuba; B. F. Moore of Tuolumne; J. O. Goodwin, Wm Waldo, and D. P. Baldwin. The state central com. consisted of John Wilson, R. Hampton, P. W. Tompkins, Jesse D. Carr, E. L. Sullivan, D. H. Haskell, R. N. Wood, Wm Robinson, and Chambers. The candidates chosen by the convention were Pearson B. Reading for gov.; Drury P. Baldwin, lieut-gov.; E. J. C. Kewen and B. F. Moore for congressmen; Tod Robinson, judge of the sup. court; W. D. Fair, atty-gen.; J. M. Burt, state treas.; Alex. G. Abell, controller; Walter Herron, surveyor-gen. Reading came to Cal. in 1842, crossing the mountains by the northern route, and presenting himself at Sutter's Fort, engaged in business with Sutter. He obtained his title by leading parties in the Micheltorena war, and in the operations of the battalion of mounted riflemen in 1846. It was said he was born and educated in Phila, and possessed a polished address.

[21] J. Neely Johnson was chairman of the committee on resolutions.

failure of congress to make provision for a mint in California; demanding the return of the civil fund, and the payment of the Indian war expenses; cordially approving the compromise measures in congress; promising to maintain the supremacy of the state laws, and to administer the same with economy, that the people might not suffer from oppressive taxation.

I cannot help being struck with the almost total ignoring by both parties of the condition of the state resulting from imperfect legislation, official corruption, and excessive taxation. The whigs did, indeed, promise economy, and to lighten the burdens of the people; but in a manner to show a timorousness about touching the subject which amounted to a promise of failure. They feared to lose votes; but had they been honest, they would have preferred losing in a good cause to winning in a bad one.

In the mean time, in San Francisco and elsewhere, the people, that is to say, the commercial and producing classes, were struggling hand to hand with a criminal element whose practices, while brutalized by ignorance and evil associations, were not more dishonorable, in proportion to the comparative intelligence and social conditions of the two classes, than those of men who followed politics as a profession, and fattened on the spoils of office. Yet, owing to the fact that they were more brutal, that they committed murder in order to make robbery safe, it was found necessary for an outraged people to turn avengers, and kill and banish in return. Of this necessity I have spoken freely in other places. I mention it here only to point out the apathy or the criminal truckling to vice of the political parties.

As for the independents, "the true California party," as it was denominated by the *Alta*, though numerous they made no nominations, as they lacked organization and cohesion. It had little or no concern for old political issues, cared nothing for administration or

anti-administration; but while loyal to the union, it was solely interested in the welfare of the state. It might throw its weight on one side or the other, according to local interests or former prejudices. In San Francisco, in April, it had helped to elect the whig municipal ticket,[22] and some reforms had been effected by the change. But no such unanimity of action could be secured for the general election, and the chief use of the independent newspapers was to exercise a censorship over the doings of the two parties which had put forth candidates and principles.

It was not long before trouble arose in both parties on account of an unfairness toward the southern portion of the state in regard to the distribution of offices by the conventions, all of the state nominees and congressmen being chosen from the northern half,[23] which contained three fourths of the population, and was fairly entitled to but three fourths of the offices. Why the whigs should have so blundered is not accounted for, except by the greater greed of office of the northern men, or by competition with the democrats who had made their nominations. But the motive of the democrats was not so well concealed that it could not be fathomed.

Senator Gwin, under whose lead they were, had a distinct idea with regard to righting the wrongs of the southern states in the matter of slave territory; and that was to divide California, attach to the southern division a portion of the Mexican territory,[24] and

[22] A strong appeal for reform was made in the independent address, signed by Joseph S. Wallis, John E. Bell, and J. R. Robinson. *S. F. Alta*, March 29, 1851.

[23] The democrats claimed that their candidate for state treasurer was put forward by the delegations from Sta Clara, Monterey, and San Diego, as the representative of the southern half of the state. The idea of making a Sta Clara man a representative of San Diego was scoffed at by the independents, who made a shrewd guess at the policy of the convention.

[24] Says the *Alta* of Sept. 2, 1851: 'The mysterious givings out that efforts are to be made to drag into the coming contest the proposition to acquire more territory from our neighbors, either by conquest or purchase, is not a matter of moonshine, in our opinion. There is no doubt, we opine, that great efforts are afoot to bring the suspicious and obstreperous south into the cheerful support of the party candidates [national], through the expectations and inducements of a further acquisition of territory. What that territory will

in time annex the Hawaiian Islands,[25] all of which was to become slave-holding. With this in view, he surprised the constitutional convention in 1849 by his complacency with regard to the boundary of the state and the exclusion of slavery. It was in his thought to change it in the not distant future, and to leave the second Pacific state open to southern institutions. It was, therefore, of no consequence that the counties adjoining the Mexican boundary,[26] and the southern

be, it is not so easy to tell; but the recently authenticated insurrectionary demonstrations in Cuba point significantly to the possibility that that fair and fertile isle may yet be the gem whose annexation is to restore the balance of power to an equipoise between the north and south. If this scheme should fail, through the suppression of the insurrection, as no doubt it will, it seems plausible that the northern provinces of Mexico will be the bait next held out.' The *Alta* also saw some good reasons for the purchase of these provinces, one of which was that the U. S. was bound by treaty to protect them from the inroads of the Indians, and for failing to do so heavy damages had already accrued against the U. S.

[25] Says Gwin in his *Memoirs*, speaking of himself in the third person: 'Mr Gwin was an earnest advocate of the annexation of the Sandwich Islands and the extension of our territory south. The Gadsden treaty, as it was called, at a later period came before the senate for ratification. He proposed that the boundary, instead of the one adopted in the treaty, should begin 30 miles south of Mazatlan, and run across the continent to the gulf of Mexico, striking the gulf 30 miles south of the mouth of the Rio Grande (there are certain lakes there that make a fine harbor), and to pay Mexico $25,000,000 for accepting this line of boundary instead of $10,000,000, as was proposed in the Gadsden treaty, for the present boundary. This was in a secret session of the senate, and the debate therefore is not of record....Mr Gwin was so much dissatisfied with the boundary adopted by the senate, that he would not vote in favor of the treaty. In 1851 a proposition was made by the Hawaiian authorities, probably under the influence of an agent, but was not accepted. To have accepted would have opened afresh the question of free territory.

[26] The Mexican boundary commission, appointed in 1849, consisting of J. B. Weller and Surveyor Andrew B. Gray, resigned their unfinished work in 1850 to Capt. E. L. F. Hardcastle of the top. engineers, who with a captain of Mexican engineers completed the survey in 1851. The marble monument near San Diego was placed in situ in June of that year. On the south side is a shield bearing the inscription, 'Republica Mexicana,' with an arrow above pointing eastward, over which is 'direccion de la linea.' On the reverse side is 'United States of America,' 'direction of the line,' shield and arrow as on the first. On the east side is 'North latitude 23-31-58-59. Longitude 7-48, 20-1, west of Greenwich, as determined by Wm H. Emory on the part of the United States, and José Salazar Ylarrequi, on the part of Mexico.' On the west side, facing the Pacific, is 'Initial point of boundary between the United States and Mexico, established by the joint commission 10th of October, 1849, agreeably to the treaty dated at the city of Guadalupe Hidalgo, February 2, A. D. 1848. John B. Weller, U. S. commissioner, Andrew B. Gray, U. S. surveyor.' The same inscription in Spanish, in another column on the same side, gives the names of Pedro Garcia commissioner, and José Salazar Ylarrequi surveyor. A plain square shaft, about three feet at the base, rises above the pedestal 11 feet, terminating in an appropriate cap. The whole is 16 feet 3 in. above the surface. The inscriptions are upon the pedestal, which is about 5 feet high. The boundary line is straight from a point of the Pacific

coast, should be offended; it was indeed a part of the scheme to make them more discontented than they already were, that they might be driven to seek a division from the northern counties.

Meanwhile the independent press labored to awaken in citizens a sense of their obligations as guardians of the public weal to turn their attention to election matters; and charged that the reason why public affairs were in so unpromising a condition was on account of the neglect of good men to look into them, being interested in business, and still looking upon the older states as their homes. From this apathetic condition they were entreated to arouse themselves and save the credit of California. They had started the machinery of government, and left it in reckless and incompetent hands. The law-makers had not sufficiently felt that they were laying the foundations of a stable community; and the officials who executed them acted as if the present, with its spoils, was all that California ever would be, and these could not too soon be safely stowed in their pockets.

The independents, as third parties usually do, helped the election of one party by dividing the other, and the democrats carried the state by a majority of 441.[27] From this time until the commencement of the war of the rebellion there was no change of importance in the comparative strength of parties, California remaining democratic.

The congressmen McCorkle and Marshall had been elected 'at large,' the legislature having neglected to divide the state into congressional districts—another way of slighting the southern counties. Owing to a defect in the election laws, the congressional term having expired March 4th, California had no representatives in the lower house until the following December;

a marine league south of the bay of San Diego, to the junction of the Gila—150 miles; seven monuments were erected, six being of iron.

[27] Bigler received 23,174 votes, and Reading 22,733. S. F. gave a whig majority, every other co. going democratic. *Cal. Reg.*, 1857, 164. See campaign doggerel in *Taylor's Spec. Press*, 632.

and having failed in the election of a senator to succeed Frémont, for a period of eight months the only delegate to congress from the golden commonwealth was Gwin.[28] It is not strange that he came to regard California as his particular preserve.

The third legislature convened at Vallejo, under the protest of Governor McDougal, January 5, 1852,[29]

[28] The legislature of 1852 remedied this defect by a special act, making the congressional election fall on the general election preceding the expiration of a term—in 1852, and each second year thereafter. *Cal. Stat.*, 1852, 146.

[29] *Placer Times and Transcript*, Jan. 15, 1852. The senate consisted on this occasion of A. Anderson, who resigned Apr. 3d, having been appointed judge of sup. court; D. C. Broderick; A. M. de la Guerra; John H. Baird, who resigned in March, when J. W. Denver was elected to fill his place; James M. Estill, J. Frye of Placer; Paul K. Hubbs, B. F. Keene of El Dorado; P. W. Keyser of Sutter; J. E. N. Lewis; J. Y. Lind of Calaveras; C. F. Latt of Butte; J. C. McKibben of Yuba; J. Miller; L. B. Van Buren; G. B. Tingley; J. Warner, J. Walsh of Nevada; J. Walton of El Dorado; M. M. Wombaugh of Yolo and Colusa; J. N. Ralston of Sac.; Philip A. Roach; H. C. Robinson; J. R. Snyder, S. F.; Frank Soulé, S. F.; R. T. Sprague of Shasta. The officers of the senate were: S. Purdy, prest; B. F. Keene, prest pro tem.; A. C. Bradford, sec.; A. G. Stebbins, asst sec.; W. F. McLean, P. K. Woodside, clerks; C. Burnham, sergt-at-arms; G. W. Harris, door-keeper. *Placer Times and Transcript*, Feb. 1 and 8, 1852.

Baird, of Sta Clara, was born in Ky in 1822, and educated at the Pilot Knob Academy. Going to N. O. he was employed in a large mercantile house for several years. He came to S. F. on the *Niantic*, and was deputy sheriff under John Pownes, the first sheriff of S. F. He was interested in the S. F. Powder Works in 1870, with J. A. Peck, the company having been incorporated in 1861, when Baird was one of the trustees, Peck, Moses Ellis, C. A. Eastman, Edward Flint, and H. R. Jones being his associates. Politics had no charms for Baird, who kept closely to his business after his half-term in the state senate. *Rep. Mem. of S. F.*, 967.

J. M. Estill was also a native of Ky, and came to Cal. in 1849. He was fond of politics, and took a 10-year contract in 1851 to keep the state's prisoners, as I have related, abuses compelling the legislature to declare the lease forfeited. In 1856 the state again leased the prison to Estill, paying him $10,000 per annum. He soon sublet his contract for half the amount, and the legislature again declared the lease forfeited, and the gov. took forcible possession of the keys. The matter came up in the courts, which decided against the gov. The affair was compromised by paying a bonus to the assignee, in 1860, and thereafter the prison management improved. *Hayes' Coll., Cal. Notes*, ii. 304; *Sac. Union*, March 6, 1857.

Paul K. Hubbs, of Tuolumne, was born in N. J. In 1833 he was sent by the prest of U. S. to France as a representative of the govt, where he resided 5 years, returning and entering into commercial pursuits in N. Y. and Phila. In 1840 he was commissioned col in 3d regt, Penn. vols. In 1846 he was elected controller of the public schools of Phil. co., resigning in 1849 to come to Cal., where he arrived, on the *Susan G. Owens*, in Oct. He was chairman pro tem. of the senate in 1852, and gave the casting vote on the S. F. bulkhead bill in the interest of the city. In 1853 he was chosen state supt of public instruction. In 1859 he removed to Wash. Ter., where he practised law, and was several times elected to the presidency of the ter. council; but in 1865 he returned to Vallejo, Cal., where he died, Nov. 17,

and three days afterward Governor Bigler was inaugurated. He was in many ways a strong contrast to

1874, of heart disease, at the age of 74 years. He was an active politician and good lawyer. *Los Angeles Express*, Nov. 26, 1874; *Oakland Transcript*, Nov. 19, 1874; *Solano Suisun Republican*, Nov. 19, 1874; *Solano Co. Hist.*, 357-64; *Vallejo Chronicle*, Nov. 21 and Jan. 23, 1875; *Vallejo Independent*, Nov. 18, 1874; *Oakland Alameda Co. Gazette*, Nov. 21, 1874.

Joseph E. N. Lewis, of Butte and Shasta, was born in Jefferson co., Va, in 1826, and educated at William and Mary college. He studied law with B. F. Washington, and was admitted to the bar of Va. In 1849 he came to Cal., settling in Butte co. which he helped to organize, and being its first senator. He was an able lawyer, but reserved in disposition, unmarried, and not a member of any of the pioneer societies of the state. He died suddenly of heart disease, in July 1869, generally lamented by the members of the bar in his county. *Sta Cruz Sentinel*, July 3, 1869; *Carson Appeal*, Nov. 20, 1874.

Philip A. Roach was born in Ireland in 1820, and came to N. Y. in 1822, and to Cal. in 1849, arriving at Monterey July 15th, after a journey across the Isthmus midst cholera and fever. He erected two houses at Monterey and entered upon business there. He was of much use to the administration of Gen. Riley, and held the office of judge of the First Instance. Under the state organization he became 1st mayor of Monterey, was elected in 1851 to the senate for two years. He was the author of the law authorizing married women to transact business in their own names as sole traders. In 1853 he was appointed U. S. appraiser for the dist of S. F., which office he held until 1861, when he resigned, and in 1867 was editing the *Examiner*. In 1873 he was elected state senator for four years, and was sent a com. to Washington to secure restriction of Chinese immigration. Among the democratic leaders of Cal. he has maintained a prominent position from the organization of the party to a late period. See *Quigley's Irish Race*, 337-48; *Roach, Statement*, MS., 1-8; *Larkin, Doc.*, MS., vii. 187; *N. Y. Graphic*, in *Sta Cruz Sentinel*, July 15, 1876; *Limantour, Opin. U. S. Judge*, 9; *Upham Notes*, 497-503; *Sac. Record*, Dec. 1, 1873; *West Coast Signal*, May 25, 1875; *Monterey Herald*, July 11, 1874; *Lakeport Avalanche*, June 17, 1871; *Val., Doc.*, MS., 55, 195.

H. C. Robinson, of Sac., was a native of Conn., but removed at an early age to La, and was educated to the profession of law. He came to Cal. in 1849, on the first passage of the steamer *California*. *Anaheim Gazette*, Oct. 16, 1857.

The assembly consisted of D. L. Blanchard, J. Brush, J. W. Coffroth, W. B. Dameron, and T. J. Ingersoll, Tuolumne; L. W. Boggs and J. M. Hudspeth, Sonoma; P. Cannay and J. H. Gibson, Placer; A. G. Caldwell, Sutter; D. M. Chauncey, A. C. Peachy, A. J. Ellis, Benj. Orrick, G. W. Ten Broeck, Herman Wohler, and R. N. Wood, S. F.; T. H. Coats, Klamath; G. W. Colby, A. Kipp, G. N. McConaha, and J. C. Tucker, Sac.; J. Cook, J. H. Paxtan, and James H. Gardiner, Yuba; H. A. Crabb, R. P. Hammond, Fred Yeiser, San Joaquin; A. P. Crittenden and J. T. Thompson, Santa Clara; C. B. Stevenson, Sta Cruz; John Cutler, W. R. Hopkins, S. A. McMeans, and A. Wing, El Dorado; Ygnacio Del Valle, Andreas Pico, Los Angeles; E. F. W. Ellis, W. H. Lyons, and J. N. Turner, Nevada; S. Fleming, E. D. Pearse, Shasta; H. L. Ford, Colusa; C. B. Fowler, J. L. Law, and Nelson D. Morse, Butte; James S. Graham, Solano; A. Haraszthy, San Diego; P. T. Herbert, S. A. Merritt, and T. E. Ridley, Mariposa; A. Hinchman, J. M. Covarrubias, Santa Barbara; W. P. Jones, W. L. Kim, and G. E. Young, Calaveras; F. S. McKenzie, G. O. McMullin, Trinity; M. Pacheco, San Luis Obispo; J. G. Parrish, Yolo; Napolean B. Smith, Contra Costa; J. S. Stark, Napa; A. W. Taliaferro, Marin and Mendocino; Isaac B. Wall, Monterey.

Officers of the assembly were: R. P. Hammond, speaker; Blanton McAlpin, chief clerk; Albert Alden, asst clerk; J. C. Potter, engrossing clerk; W. C.

McDougal. Honest and easy," the squatters called him, to whom he was indeed a father. He was an approachable, good-natured, neighborly man, who had not scorned to labor with his hands when it seemed necessary, to unload steamboats at two dollars an hour, cut wood, take a contract for making cotton comfortables when bedding was in demand,[30] or sell goods by the hammer in an auction store. There were those who said his election had been secured by ballot-box stuffing; but it seems more rational to believe that the squatters, who were a power in 1851, joined themselves to the southern democracy and carried the election. Gwin had not despised the squatter influence, as his land bills and land commission testified; and why should Bigler? As far as manners went, Reading would have pleased the chivalry much better; but his politics were not of their complexion, and Reading had the disadvantage besides of having been associated in business with Sutter, to whom the squatters were as a party hostile. But a better reason than any other for Bigler's victory was the fact that, as I have said, California was

Kibbe, enrolling clerk; C. C. Hornsby, sergt-at-arms. J. H. Warrington, door-keeper; Richard Zambert, page; C. H. Hubbs, asst page. Thomas J. Ingersoll was born at Tolland, Conn., 1806, of early colonial stock. He possessed an academic education, and studied medicine at Worthington college, Ohio, where he graduated in 1836, going aferward to Louisville and St Louis. In 1838 he settled in La, practising his profession until 1849, when he came to Cal. via N. M., and located himself in Tuolumne co., where he engaged in mining and medicine. In 1852 he removed to San José, where he married in 1859 Mary Gorman, a native of St Louis, Mo. He died April 30, 1880; *S. J. Pioneer*, May 8, 1880; *S. F. Chronicle*, May 1, 1880; *S. F. Bulletin*, May 1, 1880.

A. W. Taliaferro was one of the Virginia company, which was organized in Richmond in April 1849. It was composed of 75 members, who disbanded soon after arrival. The vessel which brought the company arrived in Oct., and was soon sold for a third of its value, the cargo, chiefly tobacco, being left to rot in the streets. An association formed out of the dissolved Virginia co., Taliaferro being one, leased the mission lands of San Rafael from Don Timoteo Murphy, for farming purposes, but did not long continue in this peaceful occupation. Of all these adventurers, Taliaferro alone remained a permanent resident of Marin co., which several times elected him to the assembly and senate. *Marin Co. Hist.*, 121–2.

[30] *Plumas National*, Dec. 9, 1871; *Sac. Reporter*, Nov. 30, 1871; *Curry, Incidents*, MS., 11–12; *Solano Press*, 1865, in *Hayes' Cal. Notes*, ii. 289; *Gov.'s Inaugural Message*, in *Cal. Jour. Assem.*, 28–9· *Sac. Transcript*, Feb. 14 and June 1, 1851.

democratic. Had the governor been able to withstand the influence of his associations, or to control legislation, his after-fame might have been brighter; few men realize, however, when they are in the smoke of battle, that they are making history, and must be tried by its searching light. He talked honestly, but alack! of how many degrees is political honor! The apportionment having been increased,[31] as well as the counties, there were 62 members in the assembly, and 27 in the senate,[32] Frank Soulé in the latter body enjoying the distinction of being the only whig elected to it in 1851.

On the 28th of January the two branches of the legislature met in convention to elect a United States senator to succeed Frémont, the term having still five years to run from the 4th of March. On the eighth ballot John B. Weller was elected. In this election the opposing candidate[33] was David Colbert Broderick. He was an Irishman, born in Kilkenny, in 1820, his father, a skilful stone-cutter, being, with others, selected by an agent of the American government to perform the decorative work in the interior of the national capitol at Washington. Here, as a lad, Broderick began learning the trade of his father, who afterward removed to New York, where he soon died, leaving the mother of David and a younger brother to the care of the eldest son, who was apprenticed to a stone-cutter of the city. It is recorded of him that he discharged his duty faithfully, even fondly. But the mother soon died, and young Broderick was left without parental guidance in the metropolis, where his condition in life brought him in contact with the

[31] The third legislature created 3 additional counties; namely, Tulare, with the county seat at Woodsville; Siskiyou, county seat at Shasta Butte (Yreka); Sierra, county seat at Downieville. *Cal. Stat.*, 1852, pp. 240–1, 233–5, 230–3.

[32] *Soulé, Statement*, MS., 4. In the assembly from his district there were 4 whigs, Orrick, Ellis, Wood, and Thorne. *S. F. Alta*, Sept. 7, 1851.

[33] There were several nominees, but none with any chance against Weller and Broderick. George B. Tingley, A. Anderson, William Smith, R. M. McLane, J. H. Ralston, Tod Robinson, T. B. King, and others were nominated. *Cal. Jour. Sen.*, 1852, 63–82.

rude and muscular element. He became a chief among firemen, an athlete, a gladiator, the champion of weaker men who were his friends. Feeling within him the forces of a strong nature ever striving upward, he grew fond of exercising these faculties, and being desirous of educating himself, abandoned his laborious trade to keep a dram-shop, which occupation brought him more in contact with men, and gave him better opportunities for reading. Before he reached his majority he was a thorough politician, was called to preside in conventions, and gave advice in the management of political campaigns. He preserved a high tone and correct demeanor; and although his origin was lowly, and his associations more or less debased, he seemed not to be sensibly bound down by them, but to rise year by year on the shoulders of the electors of the ninth ward of New York City to higher and yet higher places, obtaining at length a position in the New York custom-house, where he dispensed patronage.

In 1845 Broderick was chosen by his district to preside in convention for forming a new charter for the city, and was applauded for his liberal views, and for the firmness with which he adhered to them. In this same year he lost his young brother, which left him alone in the world, his serious nature becoming from this time sad in a marked degree. During these early years he attracted the attention and secured the friendship of George Wilkes, editor of the *National Police Gazette*, who for the remainder of his life was the Jonathan to this David, loving him with a devotion passing the love of woman.

In 1846 he was nominated for congressman, but defeated by a small majority, by a split in his party, he refusing to coalesce with the 'barn-burners.' He was renominated in 1848, but declined to run, for pecuniary reasons. He came to California in the spring of 1849, penniless and sick; for among the characteristics of this man of brawn and stature was a feminine sensibility, which had received many a jar in his polit-

ical strife and failures, and pecuniary losses. Here he met some former friends, and as there was a lack of coin on the coast, and several months being required to procure it from the east, it was proposed to form a company to assay and coin gold. Frederick D. Kohler was selected for the assayer, and Broderick became his associate, performing the severe manual labor required. They coined so-called five and ten dollar pieces; and the profit upon these coins, which contained only four and eight dollars respectively, and upon the gold purchased at $14 per ounce, soon placed Broderick in good circumstances, and laid the foundation of a fortune, large for those times. In the autumn of 1849 the firm sold the business, and Broderick began to think of returning to politics. The New York democracy, with whose ways he was familiar, was largely represented in California, and particularly in San Francisco, at this period. What more natural or likely than that the habit of managing politics should return with the opportunity?

Nathaniel Bennett having resigned from the senate of the first state legislature to accept a place on the supreme bench, Broderick was elected to fill the vacancy, as I have stated in another place. In 1851 he was elected president of the senate, and ruled with extreme propriety, not one of his decisions being reversed.[34] He studied law, history, and literature with the same ardor with which he pursued any object; in due time was admitted to the bar, and became clerk of the supreme court. In these successive steps, Broderick was constantly encouraged by the letters

[34] On one occasion he assaulted a reporter of the *Alta*, who he fancied had impugned his motives and conduct in reference to the military appropriation bills, calling him into a committee-room and treating him with violence, the reporter being rescued by other senators. *S. F. Alta*, March 27, 1851. He fought a duel with J. Caleb Smith of S. F., in 1852, in which his life was saved by his watch. *Sac. State Journal*, March 10, 1852. The quarrel grew out of remarks by Broderick upon the habits of Ex-gov. William Smith of Va, who had provoked a scoring by his offensive deportment during the previous senatorial election. The eldest son of Smith took up the matter, which resulted in a duel following upon a card by Judge Smith, Broderick being the challenger. *S. F. Post*, Sept. 12, 1878.

of his devoted friend Wilkes, who as early as 1850, seeing that California was about to become a state, urged him "to fix his eye boldly and steadily upon the position of United States senator for California;"[35] to which Broderick had replied, like the great evangelist, "Come over and help us," and took the proffered advice.

Broderick was now thirty-five years of age; was thoroughly trained in party politics, and was an uncompromising, if not a pro-slavery, democrat. There had begun to be a distinction made between northern and southern men of the same party, and Senator Gwin, a southern democrat, was the leader of the pro-slavery faction in California. To divide the party, on any pretence, had always been regarded as a crime by democrats. The immediate adherents of Gwin looked with disfavor upon the presumptuous northerner, of plebeian origin, who aspired to sit among the patricians of southern birth in the nation's highest council.

John B. Weller, from Ohio, was not at all the equal of Broderick as a politician, but he had occupied places of honor in his state, had commanded a regiment in

[35] There was a story current that on leaving New York Broderick swore he would never return except as a U. S. senator. If this is true, he did not know what he was swearing about. At that period—the spring of 1849—little was known of Cal.; certainly not that it would so soon become a state of the union. Men went there, then, for gold, and thought of politics afterward. In the sworn statement of George Wilkes, from which I have just quoted, he avers that Broderick replied to his suggestion, that the mark set was too high for him; but if he, Wilkes, would come to Cal., and unite his efforts with his own, 'there was nothing in the way of political ambition which he, Broderick, would not then venture to undertake.' *Affidavit of George Wilkes*, this being a sworn statement of the relations between Broderick and himself, made in 1862, on the contest of Broderick's will. Concerning Broderick, and the circumstances of his life, the evidence is now abundant, and it is time to present him in his true character, which has been distorted by both enemies and friends into something abnormal. I find nothing in it not easily accounted for by his circumstances and evident traits of constitution. Among his biographers are: *Quigley, Irish Race in Cal.*, 295–302; *Shuck, Representative Men*, 385–93; *Fields' Reminiscences*, 79–84; *Ryckman*, MS., 3; *S. F. Bulletin*, Oct. 16, 17, 18, 1855, and Sept. 16, 1859; *Sac. Union*, Sept. 17, 1859; *Id.*, Apr. 27, 1872; *S. F. Herald*, Sept. 18, 1859; *S. F. Alta*, Dec. 8, 1856, and Sept. 17, 18, 1859; *S. F. Argonaut*, Apr. 28, 1878; *Monrow*, MS., 3; *Hayes' Coll., Cal. Pol.*, ii. 82; McGowan, in *S. F. Post*, Feb. 22 and March 8, 1879; *Pajaro Times*, Dec. 31, 1864; *Crosby's Early Events*, MS., 66–7; *Hittell's Hist. S. F.*, 307–19; *Merrill, Statement*, MS., 10; J. W. Forney, in *S. F. Post*, March 8, 1879.

the Mexican war, and when his former general became president, was appointed commissioner to settle the Mexican boundary, and was, besides, a southern pro-slavery democrat. Only to such would the Gwin management permit the prize to fall. Like Gwin and Frémont, he fixed upon California as the field where he was to achieve the triumph of an election to the national senate, and when the state was admitted, resigned his place on the boundary commission to engage in law and politics. Care for the best interests of California was no motive. To do what would strengthen party and make votes was the aim. Every $100,000, or land grant, or other gift to the state, was as a bribe to reëlection. A more effectual bribe was personal patronage. During Fillmore's administration Gwin managed this matter with much adroitness. Being a democrat in a democratic senate, he had the power to cause the rejection of the whig president's appointments, in other states as well as California; yet during the whole of Fillmore's term, with a single exception, the harmony between the president and the California senator was disturbed but once.[36] While maintaining amicable relations with the executive he controlled the federal appointments by finesse, as he governed affairs in California by the inflexible demo-

[36] This was in relation to the appointment of a district judge for the northern district of Cal. J. P. Benjamin, of La, a typical southern, pro-slavery democrat, who was afterward secretary of the southern confederacy, was nominated to the southern and Currey to the northern. But Gwin objected to Currey because he was not known to him. Finally neither of the nominees accepted, on account of the small pay, only $3,500. 'Pet Halstead,' whom I have before mentioned, a whig, but an enemy of Currey's, also opposed this nomination, 'and he made this opposition so formidable,' says Gwin, 'that there was no remedy left for me but to oppose his confirmation.' Currey was a personal friend of the prest, who persisted in the nomination; but Gwin again rejected him, when the prest became angry, and threatened to leave Cal. without U. S. courts. In this dilemma Gwin besought the good offices of Webster, sec. of state, who recommended Ogden Hoffman, of N. Y., son of O. Hoffman, Sr, the lawyer, orator, and statesman. Seward unexpectedly opposed this nomination—Hoffman being a leader of that wing of the whig party called the 'silver grays'—on account of the youth of the nominee, whom he described as 'only a boy.' He proved to be 29 years old, and a thorough jurist. He was confirmed, and Cal. received an able judge, while Fillmore was placated. Both Hoffman and Jones, the first U. S. judges, were under 30 when appointed.

cratic discipline. A southern whig, like T. B. King, might hold an office, but a northern anti-slavery democrat found no favor and no mercy.

The legislation of 1852 was remarkable chiefly for the distinction sought to be made between the white and colored races. There was a color even to crime, black wickedness being more horrible than white.[37] Of nineteen pardons to criminals granted during McDougal's term, four were to Mexicans and the remaining fifteen to white men bearing English names, to all of whom, including the Mexicans, citizenship might be granted under the laws; while another man, who has not yet appeared on the criminal list, "on account of color," should be legislated against, and doomed forever to live under laws which "patent his inferiority," and rouse in him, justly, a hatred of his oppressors. Senator Broderick vigorously opposed these sentiments, but was almost alone in his party in condemning them. It made him an object of distrust on the part of the chivalry, who thenceforward sought occasions of hostility toward the advocate of free labor and human rights.

[37] The annual report of the board of state prison inspectors, with Gov. McDougal at its head, had this significant paragraph: 'The board of state prison inspectors beg leave, in conclusion, to call attention, simply with reference to its bearing upon crime, to the expediency of prohibiting, by stringent law, the importation into this state of foreign convicts, or of those other persons belonging to alien and servile races, who, on account of color or from other causes, are excluded by the spirit of our laws from participating in the privileges and rights of citizenship. This, though a matter of less immediate than eventful importance, is nevertheless worthy of present attention. For a while, no doubt, they may continue peaceable and obedient, but we submit whether jealousies and hatred will not inevitably spring up; whether they will not learn to detest and violate laws that patent their inferiority until our jails shall be filled with their numbers, and the ingenuity of legislation be exhausted in devising coercive laws. We submit whether danger is not to be apprehended from the presence amongst us, in great numbers, of an ignorant and dependent caste, excluded from rights to the enjoyment of which all others may freely aspire, and yet, at the same time, exempt from that complete subjection to the will of another which can only result from the formidable relation of master and slave. From the Pelagian races in Greece to the free negroes of the United States, and the peace of neighboring republics, the degraded race have always needed the jailer and executioner, and been conspicuous for drunkenness, improvidence, and crime.' Thus lucidly the pro-slavery democracy reasoned.

In consonance with the suggestions offered in the report herein quoted, an act was passed "respecting fugitives from labor, and slaves brought to this state prior to her admission to the union," which provided for the arrest of fugitive slaves, and their return to servitude in the state or territory from which they had escaped. Under this law a colored man or woman could be brought before a magistrate, claimed as a slave, and the person so seized not being permitted to testify, the judge had no alternative but to issue a certificate to the claimant, which certificate was "conclusive of the right of the person or persons in whose favor granted," and prevented "all molestation of such person or persons, by any process issued by any court, judge, justice, or magistrate, or other person whomsoever." Any assistance rendered the fugitive, against his arrest, made the person so aiding him liable to a fine of $500 dollars or imprisonment for two months. All slaves who had escaped into or were brought to California previous to the admission of the state to the union were held to be fugitives, and were liable to arrest under the law, although many of them had been free for several years, and had by industry accumulated a competency. Illustrative instances have been given in a previous chapter. The law of 1852 confined the operation of the last-named section to one year from date, but the legislature of 1853, seeing that there were still free negroes in the state, extended this provision to 1854. The legislature of 1854 also extended it another year.

Under the constitution of California slavery could not exist; but this legislative body attempted to introduce the coolie system by an act providing for the enforcement of contracts for foreign labor, made under it, for a term not exceeding five years. The bill originated in the senate with G. B. Tingley, a whig, and was referred to a select committee composed of Tingley, Anderson, Walsh, Foster, and Roach, democrats, which reported favorably upon it, except Roach, who

in a minority report stripped the scheme of its disguises and laid it to rest under an indefinite postponement.[38] To all these devices to ingraft slave-state sentiments upon the politics of California, Broderick was as actively opposed as to slavery itself, regardless of the frowns of the majority.

In January Senator Gwin suggested to Governor Bigler, and through him to the legislature, to pass a law giving its consent to the purchase of lands from individuals or companies for sites on which to erect any of the public improvements provided for in bills then before congress, and even sent a draught of such

[38] *Cal. Stat.*, 1852, 67–9; *Id.*, 1853, pp. 94–5; *Cal. Jour. Sen.*, 1852, 306–7. The report of Roach is so superior to the general tone of legislation at this session that I am prevented from giving it entire only by lack of space. Its tone will be understood from a few extracts. 'Thus far the mines have been open and free to the labor of the world, and they have been so productive that hardly a law has been needed for their regulation. This state of things has assembled in Cal. people of every race and clime, of every tongue and creed; some entitled to work our mines upon the same terms as our own people, for reciprocal justice gave them the right to claim it, while others were entitled to no such privilege; yet they formed, perhaps, a majority of the foreign miners, and drew from our soil a greater quantity of the precious metals than our own citizens. This led to the cry that foreigners, as such, ought to be taxed; and as a concession to public clamor, a law, unjust, unconstitutional, and indiscriminating, was passed, prohibiting foreigners without a license from working upon lands belonging to the U. S., whereas, by the solemn faith of our govt, as pledged by treaty stipulations, various peoples have as much right to work those lands as to breathe the air in which we live. ...At the same time, a ruinous competition should not be forced upon the people of this state by bringing servile labor to contend against the interests of our working classes. That population forms the majority of our people; it is they who are to uphold upon the shores of the Pacific that government and its principles which seem destined to make the circuit of the globe. When, under this bill, Asiatic labor shall take its march to our state, the low price at which it can be brought renders necessary that some restriction be imposed as to what branches of industry it shall be confined; for we must have a population of our own race sufficiently numerous to control it, and not depending upon the same pursuits in which this servile labor may be employed. ...The apparent object of this bill is to place foreign labor at the disposal of our own people, in order that, if foreigners earn money, it may be for their masters. The amount of money is of little consequence compared with the degrading effect of any law that, to deprive them of their gain, shall make their labor inferior, by law, to capital, and give to the latter a more feudal right to dispose of their persons and happiness. I am opposed to any enactment that seeks to place burdens upon, or to doom to inferiority, any race of men who have no other disability to become citizens except residence....The hopes of the republican world have been scared by the retrograde movements of France; but there despotism has not thought of making one white man the serf or bondsman of another, or of giving to capital, for the term of five years, the hand and heart of labor.'

an act.[39] This was the beginning of a scandal which troubled the senator not long after, concerning the purchase of the assay office in San Francisco, and might readily have been taken for personal anxiety to consummate a bargain, but seems not to have been so understood, for the mandate was obeyed.

Gwin, in his manuscript *Memoirs*, makes much of his services to California in the establishment of a mint, and says little of the charges brought against him of permitting a government assay office to be established instead, which for four years charged two and one half per cent on the gold assayed, causing a loss to the miners of California each year of more than the cost of a mint,[40] while one half per cent would have covered the cost of the assaying. The democrats raged against the whig administration as the cause of this loss; but now and then a whig put the question of how came the two and one half per cent in the bill, and who received the extra two per cent. A writer in a Marysville journal, in 1854, signing himself 'Interior,' reviewed Gwin's course in connection with the mint, and exposed his method. In the last days of the thirty-second congress, the act making appropriation for a mint having passed, Gwin introduced into the deficiency bill an amendment, which in effect repealed the mint bill, and gave the whole appropriation to the secretary of the treasury, to be applied to the rent, lease, or purchase of an assay office. This was the explanation of his desire to have the legislature confirm his action, even before it was consummated.[41] Marshall opposed it in the lower

[39] Gwin says that defeated office-seekers, who had entered into a solemn pledge to destroy him, were responsible for the story that when an appropriation was made for a mint in S. F., he had urged, and succeeded in securing, the purchase of the assay works there for the purpose of immediately commencing the mint operations, and had received a consideration from the owners of the property for his services in securing the sale to the government. *Memoirs*, MS., 135; *Cal. Stat.*, 1852, 149; *Marysville Herald*, Sept. 26, 1854.

[40] In the report of the committee on commerce and navigation for 1852, it was stated that the want of a mint in California for three years had cost the miners $21,000,000. *Cal. Jour. Sen.*, *App.* 656.

[41] 'Interior' quotes Gwin's repeal of the mint bill as follows: Sec. 6th.

house, more than intimating that a fraud was contemplated, and secured an amendment declaring that "the sum of $300,000 appropriated by said act, or so much thereof as may be necessary, shall be applied only to the erection and putting in operation a mint in California, and not to the purchase of any building for that purpose." Nevertheless, in the face of the law the assay office was purchased, and converted into a mint, at a swindling price. It was not in the nature of things that such services to Moffatt & Co. should go unrewarded.

The legislature sat for 119 days, and passed 232 acts and resolutions. A bill was introduced in the lower house "recommending the electors to vote for or against calling a convention to revise and change the entire constitution of the state," which was killed in the senate.[42] The subject being referred to a special committee in the assembly, the grievances stated as a ground for revising or reënacting the constitution were

Be it further enacted, that nothing in the provisions of an act entitled 'an act to establish a branch mint of the U. S. in Cal.,' shall be construed so as to prohibit the appointment of the assayer therein authorized, before the execution of the contract for and the completion of the branch mint buildings therein authorized; but that the president is hereby empowered to appoint, in the manner presented by that act, an assayer for said branch mint, in anticipation of the completion and establishment thereof; that the secretary of the treasury is here authorized to procure, by rent or lease, a building or apartments, and to lease, purchase, or rent machinery in the city of S. F., suitable for the receipt, melting, and assay of deposits of gold, in dust or otherwise, and for the custody of gold coin.... And that there is hereby appropriated, out of the money heretofore appropriated for the establishment of a branch mint in Cal., so much as may be necessary for the purposes of this act. That, of course, left nothing for the mint, and was, as Marshall said, equivalent to a repeal; and it was slyly introduced in the long deficiency bill, where it was not likely to be detected. But the addition of 'provided, that no contract be made for the erection and establishment of the said mint till the further order of congress.' It is impossible, says 'Interior,' addressing his letter to Gwin, 'to doubt that you acted corruptly in the affair. No ingenuity can defend, no charity can cover, a transaction which has only to be understood to establish your faithlessness as a representative.' But Gwin makes in his *Memoirs* the poor excuse that 'defeated office-seekers in the democratic party entered into a solemn pledge to destroy him, at the beginning of Pierce's administration.' Pierce's administration and the war for places had not begun when the mint and deficiency bills referred to were passed; and it mattered not, indeed, what Gwin's enemies desired to accomplish; they had nothing to do with the draughting or passage of the bills in question.

[42] Two reports were rendered, the minority being against the bill. *Cal. Jour. Assem.*, 1852, 166-774; *Hayes' Constit. Law*, i. 38.

the inequality of taxation and representation between the north and south—a motive in which there was some truth and much exaggeration. The majority rule applied as consistently to the southern inhabitants as to any; and the effort was at bottom a pro-slavery movement.

The deliberations of both houses were in the main harmonious, although an occasional remark struck fire, as when Paul K. Hubbs of Tuolumne attributed the low price of the state's warrants to the efforts of certain bankers to depreciate them, looking significantly at J. R. Snyder of San Francisco, a partner in the banking-house of James King of William. Snyder asked in a threatening manner if it was to him that Hubbs' criticism was directed, when Broderick interposed a hope that his colleague would not attempt to intimidate the senator from Tuolumne. This remark was like a spark to powder. Snyder sprang at Hubbs, and was only prevented from assaulting him by the interposition of other muscular senators, who rushed to seize the frenzied banker.

A serious debate arose when Crabb of San Joaquin presented a bill to prevent obstructions to the run of salmon in the San Joaquin River, as to which of the committees, of commerce or agriculture, the bill should be referred, some sharp language being used. Frank Soulé of San Francisco restored good humor by moving that the subject be referred to a committee consisting of Crabb, Roach, Cook, and Frye.

Estill of Solano and Napa, who was apparently incapable of being honest, had prepared two speeches upon a subject of importance, one of which was given to the *Placer Times* (dem.), and the other to the *Sacramento Union* (whig), both made conformable to the opinions of readers of the different political journals. When he came to speak on the question in the senate, he paid little attention to his utterances already in print, as a report of what he was then saying on the floor. Broderick, who had read the papers, upbraided

Estill in the senate for his duplicity. As he was leaving the chamber, one of his friends cautioned him concerning the pugilistic senator from New York, saying, "Look out for Dave." "O, thunder!" was the senatorial response; "I can clean him out in a minute!" And notwithstanding the exposure, Estill was treated by his fellow-senators as if the whole matter were a jest. In such ways did this august body defraud and laugh at the people, while spending $200,000 of the people's money,[43] wheedled out of their pockets by allusions to the honest toil of the mining population, which was being swindled by the United States whig assaying office.

The administration of President Fillmore was drawing to a close. In February 1852 the California branches of the great national parties began to muster their forces. The whigs held a convention at Sacramento on the 20th and 21st, and the democrats on the 23d to the 26th, for the purpose of electing delegates to the national conventions to be held in Philadelphia and Baltimore.[44] The whigs leaned to Webster for president, and the democrats desired the nomination of Douglas, but both pledged themselves to labor for nominees of the national choice, the democrats, with that settled determination to force the issue of slavery upon all occasions, adding to their resolutions "provided that said nominees be neither free-soilors nor abolitionists."[45]

The whigs met again in June to nominate candi-

[43] *Roach, Statement*, MS., 13; *S. F. Alta*, May 6, 1852.

[44] The whig delegates elected were: W. F. Stewart, El Dorado; J. O. Goodwin, Yuba; J. A. Clay Mudd, S. F.; R. W. Heath, San Joaquin; alternates, B. F. Whittin, Mariposa; A. Morgan, Calaveras; A. Lyle, Trinity; Judge Davis, Yolo. A new state central committee was chosen, consisting of Dr N. D. Morse, E. J. C. Kewen, Tod Robinson, Sac.; J. N. Hoag of Yolo; John Wilson of S. F.; H. A. Crabb, San Joaquin; Thomas Robinson, El Dorado; R. H. Taylor, Yuba. *S. F. Alta*, Feb. 22, 1852.

[45] *Proceedings Dem. State Con.*, p. 20. The democrats elected four delegates to the Baltimore convention: W. H. Richardson of Sutter; José M. Covarrubias of Sta Bárbara; E. D. Hammond, Sta Clara; Joshua Holden, Tuolumne. For substitutes: Henry A. Lyons, S. F.; Amos T. Laird, Nevada; M. M. Wombaugh, Yolo; and Charles Loring, Solano.

dates for election to congress,[46] and to state offices;[47] and the democrats followed with a state convention in July. The nominees of the whig party were not fortunate ones, being either men little known or who were questionable. It was patent that Tingley, with the odor of his coolie bill upon him, could not be elected to congress, and that P. L. Edwards, from the "state of Pike,"[48] as Missouri was desparagingly termed, had small chance of being voted in by the chivalry, or by Yankee electors, Missourians being abhorred of both. The democrats, according to their custom, had trained men, well known to both parties, and ready and anxious for positions. The nominee for congressman from the northern district was a rising young lawyer, not unknown in politics, Milton S. Latham, and for the southern district, James A. McDougall; with other popular men for the state offices.[49] Between the two

[46] This election of congressman, the year following the election of McCorkle and Marshall, was in pursuance of a law of the late legislature fixing the times at which representatives in congress should be elected—*Cal. Stat.*, 1852, 146—and to prevent the recurrence of a vacancy, such as had followed the expiration of the terms of Gilbert and Wright.

[47] The nominees for congress were George B. Tingley, Sta Clara; and P. L. Edwards, Sac.; for judge of the sup. court for the full term, J. M. Huntington, Tuolumne, to succeed Justice N. Bennett, and Stanton Buckner, judge for the short term; William W. Hawks, clerk of sup. court; presidential electors, John C. Fall, Yuba; David H. Haskell, S. F.; T. D. Johns, and J. A. Hale; alternates, Thomas Robinson, El Dorado; A. Maurice, Butte; William A. Robinson, Siskiyou, and Samuel Barney. *S. F. Alta*, June 10, 1852.

[48] There does not seem to have been much point to the appellation. There is a county of that name on the eastern border of Mo., and a county of the same name on the western border of Ill., only separated from each other by the Mississippi River. There is nothing to show that the immigration from these two counties was specially numerous—on the contrary, the greater part of the immigrants come from the western counties. But any lean, lank, lazy, ignorant, and nigger-hating drone from this part of the state who had crossed the plains with an ox-team, to squat among the foothills of the Sierra, was popularly known as 'an arrival from Pike co., Missouri,' until every Missourian was suspected of having been of the same brood. They were, in truth, the descendants of pioneers of the slave states, who, having moved from frontier to frontier for several generations, had been unable to keep up with the progress of the times, and who were unfit for the society of men who had, but whose ancestral blood was perhaps no better than theirs.

[49] The state nominations were: Hugh C. Murray, of Solano, judge of the sup. court for the full term, to succeed N. Bennett; Alexander Wells, of S. F., for the short term; Preston K. Woodside, of Monterey, for clerk of the sup. court; Andreas Pico, of Los Angeles, T. J. Henley, of Sac., Winfield S. Sherwood, of Butte, and Joseph W. Gregory, of Gregory's Express Co., for presidential electors; alternates, J. L. Brent, Los Angeles; Lansing B. Mizner, Solano; J. A. Watson, Shasta; and Seth B. Farwell, of El Dorado. A

parties in the state there could not be any important issues, both desiring the same benefits to the state, and both blaming the general government for neglect, though the democrats charged the executive, and the whigs a democratic congress, with the responsibility.

The means taken by the north to placate the south, namely the nomination of a military man with no pronounced politics, was under the circumstances wise; the concession of the south in accepting a northern democrat for president looked like a return to confidence.

Both the great national parties had pledged themselves to adhere to the compromises which had warded off imminent disunion when California was admitted, and there seemed not much left to differ about; but there was still, within the democratic party, a third, elementary one, ripe from organization, teeming with electric fires which a touch might at any moment discover; and within, or supposed to be a part of, the whig party was its opposite, which was to apply the touch.

The first presidential election in the state was an occasion of interest, which could only be attended with an eager desire for victory by both sides, each desirous of gaining a standing for the state in the national party to which its support was pledged. The summer passed in a whirl of political meetings and public demonstrations, terminating later in county and mass conventions for the nomination of district judges, members of the legislature, and other officials, the general election being by act at the previous session changed from September to the presidential election day in November.

The cities of San Francisco and Sacramento were whig in 1852, but the state gave a majority for Pierce over Scott for president, of 9,669, the whole vote of

new state central committee was appointed, consisting of D. C. Broderick, N. S. Petit, F. P. Tracy, David Scannell, Thomas Hayes, and J. R. Maloney, of S. F.; G. W. Colby, Sac.; A. C. Bradford, Stockton; C. H. Bryan, Marysville. *Hayes' Cal. Pol.*, i. 7.

the state being 71,189. The election of the state democratic ticket was a matter of course. It was not until the first week in December that the overwhelming defeat of the whigs in the Atlantic states became known, and surprised both parties in California. It fixed more firmly also the hold of the new administration; for who likes not to be on the winning side? But it was destined to inaugurate some changes in politics, tending toward the disintegration of parties. A change in federal offices was almost universal. The distribution of patronage in California caused differences between the delegation in congress, giving rise to factions within the ruling party itself, which maintained a distinct organization, and carried on that bitterest of warfares, that which disunites the family bond.

The man selected by the democratic administration to fill the office of collector of customs[50] in California was R. P. Hammond, a retired army officer, who had

[50] Collier, the first collector, was a popular villain, and received a fine testimonial from his friends and confederates in Cal. on leaving the country. The govt brought suit against him for moneys not accounted for, the balance against him being $700,000. About half of this was paid up before suit was brought for the remainder. In addition to the irregularity in accounts, Collier was guilty of seizing foreign vessels and their cargoes under the pretence that the navigation laws did not permit them to engage in indirect trade with cargoes taken in at any ports other than those of their own country. The cargoes were sold at auction or private sale, at ruinous sacrifices. It was charged that these sales were generally collusive, and that the collector profited by them by a resale at a great advance. These seizures fell principally upon French vessels, the gross claims presented by the French minister amounting to nearly $800,000, which, with the other claims for illegal proceedings, aggregated over $1,000,000. Of this amount our fine official paid $200,000, while the cost to the government was $300,000, after reducing the claims to about one quarter of their full amount. These proceedings, together with the Cal. legislative action concerning vessels entering S. F. and other ports, were extremely injurious to the reputation and commerce of the state. Collector King was charged with omitting to account for $100,000 of the public money. He, too, it seems, had a scheme for filling his pockets, less troublesome to the govt than Collier's, one part of which was to pay an exorbitant rent for a warehouse leased for the U. S., when the owner refunded a large part of it to King for his own use; and another to contract for the lighterage ashore of goods intended for the bonded warehouse, at a rate which the merchants protested against, being himself a silent party in the contract. On complaint being made to Sec. Corwin, he ordered the practice discontinued, and allowed the importers to bring their goods ashore by their own lighters, under the charge of a revenue officer. It was a long time before King's accounts were settled. *N. Y. Express*, in *S. F. Alta*, Sept. 9, 1853.

been in California since April 1849, and who, for Colonel Stevenson, laid out the town of New York that year, at the mouth of the San Joaquin river. William H. Richardson, who two years afterward was killed by an Italian gambler with whom he associated,[51] was appointed United States marshal. S. W. Inge, appointed United States district attorney, had been congressman from Alabama for several years, but had recently come to California. He had also been a partner of A. P. Crittenden, a prominent lawyer, through whose interest, says Gwin, he received the office. John C. Hays, of Texas ranger notoriety, who had been sheriff of San Francisco, was made surveyor-general; and Thomas J. Henley, formerly of Indiana, was given the post-office. Henley had been a congressman for six years previous to coming to California. He was subsequently transferred to the Indian department, and although he was assailed, there were no charges ever proven against him in his capacity as superintendent of Indian affairs, which position he held during the administration of Pierce and Buchanan,[52] the office having attached to it a large patronage.

The legislature of 1853[53] met at Vallejo January

[51] *Sherman Mem.*, 67, 73; *Gwin, Memoirs*, MS., 106; *Pop. Tribunals*, ii. 29, this series.

[52] Henley was born in Indiana in 1807. He was elected to the legislature at the age of 21, serving for several terms, and being speaker of the lower house. He studied law but did not practice. In 1840 he was elected to congress, and for two succeeding terms. In 1849 he came overland to California, establishing himself in banking business in Sacramento, in company with McKnight & Co., and subsequently with Milton T. Latham and Judge S. C. Hastings. In 1852 he was chosen presidential elector, and selected to carry the electoral vote of California to Washington for Pierce and King. During the war he took no part in public affairs except to canvass the state for McClellan in 1864. He was again on the electoral ticket in 1868, when Gov. Seymour was democratic nominee for the presidency. He was a gifted public speaker and sought after in political campaigns. He died in 1875, on his farm in Mendocino county, of softening of the brain. His son, Hon. Barclay Henley, resides (1888) in S. F.

[53] The senate was composed of J. H. Baird, J. S. Hager, J. R. Snyder, S. F.; A. P. Catlin, J. H. Ralston, Sac.; J. W. Coffroth, P. K. Hubbs, Tuolumne; J. W. Denver, L. S. Williams, Trinity and Klamath; J. Walton, B. F. Keene, El Dorado; H. A. Crabb, San Joaquin and Contra Costa; A. M. de la Guerra, Sta Bárbara and San Luis Obispo; J. M. Estill, Napa and Solano; S. C. Foster, Los Angeles; J. Gruell, Sta Clara and Contra Costa; J. M.

3d, adjourning a month later to Benicia. The chief interest at this session centred on the bill for a constitutional convention, a measure warmly supported by Senator Ralston of Sacramento, who declared a "new political era had opened" in the state since the last legislature, and that the time had "fully arrived" for forming a new constitution. Other members showed him to be in error by voting down the measure, which, however, was discussed with an unction that made it evident there was something more at the bottom of the project than appeared on the surface. That something proved to be a plan on the part of the whig members in the legislature to bring their party back into prominence in the state, and drawing to them a certain portion of the democrats, by favoring a convention which would, on the pretence of correcting some immaterial defects in the constitution, never adjourn until they had divided the state. The discovery of the plot occasioned much indignation. By the bill which nearly became a law in 1853, the people were required to vote only on convention, but not on the

Hudspeth, Sonoma and Marin; D. B. Kurtz, San Diego; J. Y. Lind, Calaveras; C. F. Lott, Butte; J. C. McKibben, Yuba; P. A. Roach, Monterey; S. B. Smith, Sutter; J. H. Wade, Mariposa; J. Walkup, Placer; M. M. Wambough, Yolo and Colusa; Wm H. Lyons, Nevada. The officers of the senate were: S. Purdy, prest; B. F. Keene, prest pro tem.; A. C. Bradford, sec.; J. S. Love, asst sec.; J. L. Trask, enrolling clerk; W. G. Marcy, engrossing clerk; G. W. Ten Broeck, sergt-at-arms; E. C. Dowdigan, door-keeper. The assembly consisted of F. A. Snyder (resigned in April and J. H. Saunders was elected in his place), J. M. Taylor, G. H. Blake, J. N. Cordozo, S. Flower, J. Sime, E. Heydenfeldt, of S. F.; J. H. Estep, J. W. Harrison, J. Neely Johnson, Robinson, Sac.; J. Conness, S. Garfield, A. Wing, S. A. McMeans, El Dorado; J. Brush, J. J. Hoff, J. M. Mandeville, W. Meredith, J. M. Wilson, Tuolumne; W. C. Martin, R. G. Reading, Trinity; P. Moore, J. H. Bostwick, J. T. Crenshaw, Nevada; A. B. Caldwell, Yolo; T. H. Owen, Solano; H. P. Halley, S. Knight, F. Yeiser, San Joaquin; C. S. Fairfax, J. H. Gardner, B. B. Redding, Yuba; S. Bell, Mariposa; T. T. Cabaniss, Shasta; P. Cannay, B. F. Myers, Placer; G. Carhart, Colusa; H. W. Carpentier, Contra Costa; J. M. Covarrubias, C. E. Huse, C. V. R. Lee, Sta Bárbara; M. P. Ewing, J. McKamy, Sonoma; J. Hunt, J. P. McFarland, Los Angeles; R. Irwin, C. C. Thomas, A. Wells, Butte; F. M. Kettredge, W. S. Letcher, Sta Cruz; C. A. Leake, W. A. Oliver, W. M. Rogers, Calaveras; A. G. McCandless, Sutter; E. McGarry, Napa; G. McMahon, W. Van Dyke, Klamath; M. Pacheco, San Luis Obispo; W. G. Proctor, Siskiyou; A. C. Smith, Sta Clara; T. W. Tilghman, San Diego; B. R. Walker, Marin; I. T. Wall, Monterey, speaker of the assembly; B. McAlpin was chosen chief clerk; J. W. Scobey, asst clerk; A. G. Kimball, enrolling clerk; Wm Zabriskie, engrossing clerk; G. W. Coffee, sergt-at-arms; John Warrington, door-keeper.

new constitution which was to be made, leaving the state entirely in the hands of this mongrel party, made out of pro-slavery men and disaffected whigs.[54]

Another legislative iniquity which was very nearly perpetrated, and which was recommended by the governor in his message, was a project set on foot by George Wilkes and J. M. Estill, with a few others, to increase the water-lot property in San Francisco by extending the city front 600 feet into the bay, beyond the line established by law in 1851, and to which the grade of the city had been accommodated. The inducement offered to the governor to support the scheme was the proffer of one third of the property so created to the state, which it was estimated would bring $2,000,000, and go far toward redeeming the state's credit. But if the legislature had the power to make the addition, and to accept a third, why not take more, and cancel the whole of the state's indebtedness, or take all? That was a secret between the authors of the measure, and the governor and legislature.

The original beach and water lot property had not brought to the state treasury what it should have returned, having been sold under an attachment, by the city physician, Peter Smith, to secure the payment of a bill. The sale being generally regarded as invalid, the lots commanded only a trifling price, and the one fourth reverting to the state had been small accordingly. Considering the condition of the state's finances, the governor earnestly advocated the passage of the bill. To this the San Francisco delegation was as earnestly opposed, Snyder and Heydenfeldt resigning from the assembly in order to test the sentiment of their constituency. They were immediately reëlected. The bill failed in the senate, after passing the house, the president, Purdy, giving the casting vote. From the circumstance that Broderick's most intimate per-

[54] *S. F. Alta*, April 18, 1853; *Hayes' Constit. Law*, i. 40, 41, 49; *Cal. Jour. Sen.*, 1853, 633; *Cal. Jour. Assem.*, 1855, 699.

sonal friend Wilkes, and the governor's strong supporter Estill, were connected with the extension bill, much feeling was created in San Francisco against both Broderick[55] and Bigler, and great the fear that should Bigler be reëlected the next legislature would revive and pass the obnoxious bill. Broderick, however, was not in pursuit of riches obtained by ruining the city of his adoption. Whatever his faults, no spoils clung to him, though he walked continually in the midst of those who lived by them. His aim was now the high one of the United States senate.[56] To secure this it became necessary to attach to himself the whole of his party, or that wing of it which, including the Bigler following, was beginning to be known as the Broderick wing. The course which he pursued to that end will be presented in the following chapter.

[55] Hittell, in *Hist. S. F.*, 315, labors to bring evidence of Broderick's complicity to bear upon this case. The circumstantial proof is strong; only one thing being against it, that if Broderick had been in favor of its passage, the bill would have passed. But Wilkes, its author, explains that such was Broderick's hostility to it that he, Wilkes, abandoned the cause and returned to New York, Broderick having shown him that on account of their intimacy he would be held responsible, and his prospects injured in the race for the U. S. senatorship. *Wilkes' Affidavit*, 1.

[56] Wilkes says that it was expected in 1853 that Gwin would be taken into Pierce's cabinet, which apparent opportunity caused Broderick to ask him to canvass the legislature for votes in favor of Broderick, which he did. He does not give the results.

CHAPTER XXIV.

POLITICAL HISTORY.

1854–1859.

Warm and Wicked Election—One Party the Same as Another, only Worse—Senatorial Contest—Broderick's Election Bill—Bitter Feuds—A Two-edged Convention—Bigler's Administration—Rise and Fall of the Knownothing Party—Gwin's Sale of Patronage—Broderick in Congress—He is Misrepresented and Maligned—Another Election—Chivalry and Slavery—Broderick's Death Determined on—The Duel—Character of Broderick.

The pro-slavery division of the democratic party in California, managed by the agents of Gwin, had achieved its successes in a skilful manner, with mysterious grace and gentlemanly arts and accomplishments, and by that eternal vigilance which is the price of all great achievements on the field of politics. But when Fillmore went out and Pierce came in, the eagerness for spoils brought the chivalry and the northern democracy into collision, Gwin not having any patronage for men of the northern wing of his party, all the places and fat salaries going to his southern friends. Broderick did not care for these favors, but he did care that the course pursued by the chivalry forced him into alliance with a class of men whom he could not recognize socially, and compelled him to join hands with Governor Bigler for the purpose of strengthening the opposition to the southern faction.[1]

[1] Broderick made use of McGowan and of Billy Mulligan, both shoulder-strikers. He once said to a friend: 'You respectable people I can't depend on. You won't go down and face the revolvers of those fellows; and I have to take such material as I can get hold of. They stuff ballot-boxes,

Edmund Randolph,[2] Park A. Crittenden, and Tod Robinson, styling themselves leaders of a reform party, to catch the ear of the long-suffering people, desiring to defeat the reëlection of Bigler, canvassed the state in 1853, assisted by E. D. Baker, whig, then a recent immigrant to California. Few rivalled Randolph in eloquence; few surpassed Baker; but neither these nor the less impassioned whigs were strong enough to prevail against the Broderick-Bigler combination. As chairman of the state central committee, Broderick issued an address to the people, in which he denounced as traitors the seceders, and as traitors they were treated.

The whigs nominated for governor William Waldo, a man credited with pure principles and a firm will. As far as any one could see, the division of the democrats favored the election of a whig; but the ballot-box told a different story. In the whig city of San Francisco there was a majority of five for Bigler; in the county of San Francisco there were seventy-one for Waldo. The total vote of the state was 76,377, and the whole majority for Bigler 1,503. In Los Angeles men were disguised and sent to the polls sev-

and steal the tally lists; and I have to keep these fellows to aid me.' *Merrill's Statement*, MS., 10. Broderick was the first man that made a successful stand against the so-called chivalry, or southern element. Gwin himself admits that. *Memoirs*, MS., 117.

[2] Edmund Randolph was of the lineage of the celebrated Randolphs of Va, and a lawyer by descent and education. He came to Cal. in 1849 from N. O., being at the time of his leaving that city clerk of the U. S. circuit court for La. In N. O. he married a daughter of Dr Meaux. He was a member of the first Cal. legislature, but not being a politician by nature, was not prominent in party affairs. He was gifted, eccentric, excitable in temper, and proud of his standing as a lawyer. He was usually retained in important land cases, and made a national reputation in the New Almaden quicksilver mine case. He was opposed to the vigilance committee, and defied it, out of a regard for law in the first and personal pride in the second instance. Yet, like all of his class, he would break a law to gratify a passion, but would not allow others to do so to sustain a principle. In the conflict between the two wings of the democratic party in 1857–8 he espoused the cause of Douglas. When the civil war came on he bitterly opposed the Lincoln administration, and died denouncing it, for his most virulent and last speech was made in August 1861, and his death occurred in Sept. How futile are the efforts of a great mind warped all out of place! *Cal. Jour. Sen.*, 1854, 52–4; *Yolo Democrat*, Aug. 14, 1879; *Cal. Reg.*, 1857, 164. It was alleged that Bigler owed 3,000 votes to frauds perpetrated on the ballot-box. *Bell, Reminis.*, 21; *S. F. Alta*, Sept. 9, 1853.

eral times to deposit votes. The amount expended in San Francisco alone in influencing votes was estimated to be not less than $1,500,000 in money and water-front property This was exclusive of several hundred steamer tickets to the states, with which returning miners were bribed. What must have been the value attached to victory, when such prices were paid for preferment?

There was little to choose between parties. Both resorted to dishonest practices, although on the side of the whigs it was individual, and not party, acts. A whig editor was discovered distributing democratic tickets, entire, with the exception of his own name and that of one other aspirant for the legislature. If he could not get in at the door he might by the window.

Gloomy views were taken of the political situation by the whig and independent press.[3] The state was indeed approaching a dark period in its history, a moral, political, and financial night out of which was to arise the morning of a pure day. The eternal mutation in human events always gives hope of mending when matters are at their worst. But they were not to mend in California until they had become more evil than they yet were; and they were not to mend through any favorable change in the policy of the dominant political party. When and how will mend these later times? Governor Bigler, governor now for another term, and perfectly cognizant of the indignant protest of San Francisco to his extension measures, vaunted his opposition, and his purpose to recommend the passage of the obnoxious bill by the next legislature. According to his asseverations, in that way only could the civil debt of the state be paid,

[3] Says the *Alta*, reproaching those who failed to vote at the election, to defeat the extension-bill candidates: 'They will be still more amazed when they find the second stories of their houses below the level of the streets, and the third stories sold to pay the expense of burying the others; all the slips closed up; and the bay piled, and filled in 200 feet east of the outer end of long wharf. Their indignation against extension will then be as violent as need be.'

and the burden of taxation lessened. But the people of San Francisco saw in it a bribe for political support; and with good reason, the water-lot property having been secured by Bigler's supporters with the expectation that its extension would place $4,000,000 in their pockets. Broderick, though he labored for the reëlection of Bigler, did so as a means to his own ends. The governor had also aspirations toward the United States senate, and unless he should be continued in his present office, might make a serious diversion of interest from himself. As another means to the same end, Purdy, who would have liked to run for governor, was persuaded to content himself again with the office of lieutenant-governor. The vote for Purdy was 10,000 more than for Bigler; and had he not yielded to Broderick's persuasions he might have had the higher office; and all because he had voted against the extension bill.[4] As soon as the election was decided, Broderick, at the head of the victorious faction, prepared to secure his election to the United States senate by the legislature elect, to succeed Gwin in 1855.[5] There was no precedent for an election by a legislature not the last before the expiration of a senatorial term; but Broderick was of the order of men who make precedents; and having a legislature[6]

[4] The state officers elected in 1853, besides the gov. and lieut-gov., were J. W. Denver, sec. of state (he resigned in Nov. 1856, and C. H. Hempstead was appointed to the vacancy); Samuel Bell, cont.; S. A. McMeans, treas.; J. R. McConnell, atty-gen.; S. H. Marlette, sur.-gen.; P. K. Hubbs, supt pub. inst.; W. C. Kibbe, qr-master genl; state printers, George Kerr & Co. The contract system was repealed May 1, 1854, and B. B. Redding elected by the legislature, who was succeeded in Jan. 1856 by James Allen; W. E. P. Hartnell was state translator. *Cal. Reg.*, 1857, 189.

[5] Wilkes says that on his return to California in the autumn of 1853 Broderick consulted him upon the propriety and legality of asking the legislature to fill a vacancy 2 years in advance; and that his opinion was that the effort if undertaken would be useful as a preliminary canvass, and would give him, Broderick, a start in the way of organization, over any other aspirant for the same place.

[6] The senate in 1854 consisted of W. W. Hawkes, J. S. Hager, D. Mahoney, W. M. Lent, E. J. Moore, S. F.; A. P. Catlin, G. W. Colby, Sac.; G. D. Hall, G. W. Hook, H. G. Livermore, El Dorado; C. A. Leake, E. D. Sawyer, Calaveras; J. Henshaw, W. H. Lyons, Nevada; C. H. Bryan, J. C. Stebbins, Yuba; C. A. Tuttle, J. Walkup, Placer; J. H. Wade, Mariposa; B. C. Whiting, Monterey; S. B. Smith, Sutter; E. T. Peck, Butte; W. B. Macy, Trinity and Klamath; E. McGarry, Napa, Solano, and Yolo; J. P. McFarland, Los Angeles;

upon which he believed he might depend,[7] he purchased a newspaper, the *Alta*, and repaired to the capital ac-

D. B. Kurtz, San Diego; T. Kendall, Tuolumne; J. M. Hudspeth, Sonoma and Marin; J. Grewell, Sta Clara and Contra Costa; J. H. Gardner, Sierra; P. de la Guerra, Sta Barbara and San Luis Obispo; H. A. Crabb, San Joaquin and Contra Costa.

Officers of the senate: S. Purdy, prest; B. F. Keene, prest pro tem.; J. Y. Lind, sec.; J. H. Stewart, asst; H. St Clair, enrolling clerk; J. C. Tucker, engrossing clerk; W. H. Harvey, sergt-at-arms; E. C. Dowdigan, door-keeper. Members of the assembly: J. W. Bagley, J. A. Gilbert, A. A. Green, J. C. Hubbard, N. Hubert, F. W. Koll, E. Nichols, E. B. Purdy, W. J. Sweasey, S. F.; T. R. Davidson, F. A. Park, J. M. McBrayer, J. W. Park, Sac., died at S. F. in 1870; W. C. Daniels, C. S. Fairfax, J. C. Jones, H. B. Kellogg, J. Y. McDuffie, Yuba; B. L. Fairfield, B. F. Meyers, J. O. Neil, G. H. Van Cleft, Placer; E. O. F. Hastings, Sutter; H. B. Goddard, J. J. Hoff, B. D. Horr, T. J. Hoyt, J. M. Mandeville, Tuolumne; A. C. Bradford, J. Stemmons, San Joaquin; J. H. Bostwick, E. F. Burton, H. P. Sweetland, I. N. Dawley, W. H. Linsey, Nevada; S. Ewer, R. Irwin, J. B. McGee, Butte; F. Anderson, J. C. James, Sierra; R. D. Ashley, Monterey; W. D. Aylett, Siskiyou; S. A. Ballou, A. E. Stevenson, A. Briggs, J. Conness, E. G. Springer, D. P. Tallmadge, H. Hollister, G. McDonald, El Dorado; J. W. Bennett, Sonoma; G. W. Bowie, Colusa; C. E. Carr, E. Hunter, Los Angeles; P. C. Carrillo, Sta Barbara; D. Clingan, Marin; G. N. Cornwall, Napa; P. H. French, San Luis Obispo; M. W. Gordon, A. J. Houghtaling, C. A. McDaniel, W. C. Pratt, M. Rowan, Calaveras; H. Griffith, Yolo; W. B. Hagans, Sonoma; J. C. Henry, P. T. Herbert, Mariposa; J. Hunt, San Bernardino; W. S. Letcher, J. McKinney, Sta Clara; J. Musser, Trinity; C. P. Noel, San Diego; J. A. Ring, Shasta; M. Spenser, Humboldt; W. W. Stowe, Sta Cruz; J. T. Tivy, Tulare; F. M. Warmcastle, Contra Costa; J. S. Watkins, Alameda; S. G. Whipple, Klamath; B. C. Whitman, Solano. C. S. Fairfax was chosen speaker, J. M. Mandeville, speaker pro tem.; B. McAlpin, chief clerk; J. W. Scobey, asst clerk; John Kimmell, enrolling clerk; E. A. Kelley, engrossing clerk; G. H. Blake, sergt-at-arms; J. H. Warrington, door-keeper.

Charles S. Fairfax, speaker of the assembly, was a descendant of the last Lord Fairfax, and himself entitled to the succession as the 10th Lord Fairfax. He was born in Vancluse, Fairfax co., Va, in 1829, and came to Cal. in 1849, wintering in a cabin near Grass Valley. After 1854, he was clerk of the sup. court for 5 years; was chairman of the Cal. delegation to the dem. nat. con. at N. Y. in 1868, and died in Baltimore in April 1869. *Colusa Sun*, April 11, 1874; *S. F. Alta*, April 6, 1869; *S. F. Call*, April 6, 1869; *Sutter Co. Hist.*, 26; *Field's Reminis.*, 107–12. John C. James came to Cal. in 1850, being then 23 years of age. In 1858 he went to reside at Genoa, Carson Valley, then a part of Utah, and from there he was elected to the Utah legislature, the only gentile member. In 1866 he was a member of the Nevada legislature, and speaker pro tem. of the assembly. He is spoken of as being intelligent, generous, and fond of humor. He died in Carson in 1874. *Los Angeles Star*, Feb. 14, 1874; *Gold Hill News*, Jan. 26, 1874.

[7] A scandal of the senate at this term was an alleged attempt on the part of J. C. Palmer, of the banking firm of Palmer, Cook, & Co., to induce the newly elected senator from Butte, E. T. Peck, and W. B. May from Trinity, whigs, to vote for, and use their influence to bring on, a senatorial election at this session. Peck related the interview with Palmer in the senate. Palmer's argument to him was that the whigs were in no way interested in the matter, so it could be no treachery to party; it was 'a war between two factions of the democratic party,' and if Peck would do as desired, he, Palmer, would count him down $5,000; but he 'did not wish Broderick to know that the offer had been made.' Peck declined to be purchased. Palmer was brought before the senate, and denied everything on his side, accusing Peck

companied by his friend and mentor, Wilkes, who had accepted an invitation from him to come to California.

This scheme of Broderick's has been, by his friends, declared to be the greatest error in his life. I do not so regard it. It was irregular; it was tricky; in a certain sense it was unfair. But the circumstances in which he was placed were remarkable and stringent. He could not begin too soon to meet the foe which must be faced at every turn. He was perfectly aware of the growing strength of the pro-slavery party, and that Gwin could only be defeated at the next senatorial election by the most strenuous measures. He sought to accomplish by strategy what he feared could not be done if the opportunity were neglected, namely, to rout the chivalry in California. They were routed, and through this act of Broderick, but not in the way he had contemplated.[8]

of offering himself for sale. After a trial, in which the counsel engaged was E. D. Baker for Peck, and that fine reasoner, Thomas H. Williams, on Palmer's side, the senate disagreed as to the guilt of the accused. Hall offered a resolution that Peck's allegations had not been sustained by the evidence adduced in the investigation. Leake, Gardner, and Moore took this ground, but Gardner 'resolved further' that the decision of the senate was 'not intended in any degree to reflect upon the honor and dignity of Mr Peck.' Catlin resolved that the collateral testimony of either side was not sufficient to support the respective charges made by each against the other, which resolution was lost. Crabb then resolved that it was not the intention of the senate to reflect upon the honor and dignity of Peck, which was finally agreed to. *Cal. Jour. Sen.*, 1854, 83-4, 96-7, 118, 123-6.

[8] In 1881 was printed by James O'Meara *The Most Extraordinary Contest for a Seat in the Senate of the United States ever Known*, under the general title of *Broderick and Gwin*. The author, an Irishman, was a chivalry democrat and a secessionist during the rebellion, serving the southern cause, or rather the cause of a Pacific republic, and his master Gwin, by starting disunion newspapers in various places on the coast, which were surpressed by order of Gen. Wright, who excluded them from the mails. O'Meara's talents as a writer were above the average. He was a follower of Gwin. He knew the ins and outs of the party warfare in Cal., of which he was a witness, and in which he was an actor, and has well related them, with as little bias as could be looked for from a person of his origin and quality. From his writings I draw some personal sketches of the legislature of 1854, and the wire-pullers present at this session. The book is subtly hostile to Broderick, cunningly exaggerating his faults, while affecting impartiality making him out a creature of no principles, but inspired alone by ambition and hate. 'At the bottom of Broderick's cunning scheme,' he says, 'was Broderick's earliest tutor and adviser in New York, George Wilkes, who had come to the state in 1851, and then stood nearer to him and closer in his confidence than any other.' This remark applied to the plan of a banquet got up ostensibly in honor of Gen. Wool and Ex-gov. Foote of Miss., both of whom were offended with the administration of Pierce on personal grounds, but really to give Broderick an

His plan was to have a bill passed fixing a day on which the legislature, then in session, should elect a successor to Gwin in the United States senate. On the 28th of January, such a bill was introduced in the assembly by Gordon of Calaveras. This was drawn up by, or at the dictation of, Broderick. It was made the special order for the 31st, when the vote being unfavorable, it was tabled to await the action of the senate. In that body another bill was introduced, by Henshaw of Nevada, whig, which it was the interest of the Broderick men to defeat, and which was in charge of the whigs and Gwin men, with some aid from the agents of Congressman McDougall,[9] who also aspired to the senate of the United States along with many others.[10]

On the 6th of March, 1854, the election bill came up in the senate, the legislature having adjourned to Sacramento from Benicia. Every means was being used on both sides which persuasion and intrigue could render serviceable,[11] including threats and imprison-

opportunity to arraign the administration an account of appointments, and promote his interests as against Gwin. Gov. Bigler presided at the banquet, and the affair did temporarily subserve the Broderick interest; but a reaction followed, when the purport of some of the speeches became known. It stirred up the whigs to defend Gwin and the administration. O'Meara's remarks may be taken with several grains of allowance, on account of his prejudice in favor of Gwin.

[9] Henry B. Truett, formerly mayor of Galena, Ill., was McDougall's chief supporter. Reuben J. Maloney, of Ill., was another of McDougall's friends, and a well-known politician. Gwin's recognized agents were Maj. Folsom, Capt. Bissell, and the P. M. S. Co. Broderick was supported by Palmer, Cook, & Co., A. A. Selover, John Middleton, Ned McGowan, A. J. Butler, Tom Maguire, Robert J. Woods, a southern man of influence, Frank Tilford, who was appointed district judge through his influence, and James M. Estill.

[10] Early in the session W. W. Gift entered the assembly with revolver in hand, crying out that were he to point the weapon and threaten to shoot the first one who should venture to announce himself a candidate for congress, three fourths of them would dodge under their desks. Grim pleasantry, this.

[11] It is stated that J. H. Gardner, of Sierra, an anti-Broderick dem., and a poor man, who wanted to bring his family from S. C. and could not for lack of means, resisted a bribe of $30,000 offered for his vote. In another instance a clergyman was brought from Napa to plead with his brother, a senator from a northern co., to accept a still larger sum, which would have been divided between them; but this man also refused the bribe. On the other hand, Wilkes relates how he, at Broderick's request, solicited the influence of several members by promises that 'there was nothing in Mr Broderick's power which could gratify an honorable mind he, the said Broderick, and deponent for himself, was not ready to pledge to the service of said member.' 'Depo-

ment. Less strenuous measures sufficed to convert Jacob Grewell of Santa Clara, a whig, and an anti-electionist, but susceptible to cajolery by great men, having been an humble baptist preacher in Ohio. On the day before the senate bill was to be considered, he was captured, body and soul, and detained until the morning of the 6th, when to the surprise of his party he voted with the Broderick men to postpone Henshaw's bill to the 17th, by which time they hoped to secure the passage of the assembly bill.

The scenes in the senate-chamber during this period were the most impressive, for intense interest, which ever transpired in a legislative body in California. Every one was aware that the passage of the election bill meant Broderick for senator. Every man had done all that he could for or against it. The loss of one vote on either side would defeat one or the other party. By the loss of Grewell to the whigs and Gwin men, a tie resulted. The decision rested with the president of the senate. He voted for postponing the Henshaw bill. The star of Broderick was ascendant! A sigh of suppressed excitement suddenly relieved was heard throughout the chamber. For a moment more there was a strange silence, and then the friends of Broderick, whose steel-blue eyes shot sparks of fire, pressed around him to grasp his hand. It was not an immaculate palm; it was the hand of a stone-cutter's son; the hand of a rough-and-tumble politician, and man of the people; yet to his friends at that moment it was the hand of a king. They would have kissed it but for shame. As it was, their lips trembled, and Broderick himself was speechless, so nearly was he to the consummation of his heart's desires.

nent further says that this transaction occurred at a time when hostile rumor had charged that votes were being bought for $10,000 apiece; but deponent solemnly avers that no temptations beyond an appeal of said member's honorable ambition, were used by deponent with said honorable member.' *Affidavit*, 4. Baker's speech in pamphlet form, 28 pp., argues strongly against Palmer's attempt.

The shock of joy which so unmanned them was a blow bringing surprise and anger to the other side. To what end had been their lavish expenditure of money? To what purpose had guard been kept over one senator twenty-four hours, to prevent his being kidnapped, since another had gone over to the enemy? Upon Grewell was fastened the responsibility of the defeat, and they determined that the mischief he had done he should undo.

Henry A. Crabb of San Joaquin[12] was leader of the whigs in the senate. Besides being a whig, he was a Mississippian, a true representative of the fighting chivalry, and a strong man intellectually and politically. Crabb called Grewell to account for his action, and gave him his choice of recantation or—worse. Other senators used their influence, and Grewell, after explaining his defection, agreed to move the reconsideration of the vote of the 6th of March on the following day, which he did, prefacing his motion by a statement concerning despatches received from constituents to account for the change. His motion was carried by a vote of 18 to 15. Directly thereafter a message was received from the assembly, informing the senate that the bill fixing the time of electing United States senators had been passed by them on the 6th. Henshaw moved that the bill be rejected. Lent of San Francisco moved to postpone the consideration of the bill until the 17th. Sprague of Shasta, a Broderick man, moved to adjourn. After a rapid succession of motions and balloting, the vote recurred upon Henshaw's motion to reject the assembly bill, when the vote stood 17 for to 14 against rejection. The senate bill was indefinitely postponed, and the defeat of the senatorial election measure was final.[13] The disappointment of the Broderick faction

[12] Crabb was killed in Nicaragua while with Walker's expedition. Broderick spoke in the U. S. senate in favor of calling his murderers to account. *Sac. Union*, Aug. 13, 1859.

[13] The friends of Broderick in Washington had given him considerable assurance on a point upon which doubt was expressed in Cal.; namely, whether

was in proportion to the elation experienced by the prospect of passing the assembly bill in the senate.[14]

The extension bill, which the governor did not fail to recommend in his annual message to the legislature, was also defeated by an adjournment of the senate before it reached that body.[15] In a special message at the close of the session, which lasted four and a half months, he expressed his regret for the failure of his favorite project, and that "all the more important measures required by the people have been defeated, either by a direct vote, or delay in acting upon them." While this was probably true, the same policy had defeated some that were not required or desired; from which it appears that there may be virtues as well as sins of omission.

On the 11th of January, the governor reappointed J. W. Denver secretary of state, he having been appointed in 1853, in place of W. Van Voorhies, resigned. It was a small enough return to make to a man who had killed in a duel Edward Gilbert, ex-congressman and editor of the *Alta*, because he had ridiculed the immaculate John Bigler. Denver resigned in 1856, and the governor's private secretary, Charles H. Hempstead, son of a professional gambler, was appointed in his place.

he would be admitted, being chosen under such conditions. It was said that the sec. of the senate had given it as his opinion that the action of the legislature would be sustained; and some of the ablest men in the senate were of the same opinion, including the southern whigs; and the republicans would vote for his admission on account of his antagonism to the Kansas-Nebraska bill, at that time the principal subject before congress. The assurance that he had powerful friends in the U. S. senate made Broderick's defeat in Cal. the more bitter. Among his supporters in the state were George Wilkes, A. J. Butler, J. C. Palmer, Stephen J. Field, John Middleton, A. A. Selover, Frank Tilford, Col Dick Snowden, Thomas Maguire, Ned McGowan, V. Turner, Charles Gallagher, and C. H. Hempstead. The governor, with his powerful patronage, was a strong right arm.

[14] O'Meara is in error when he says that the senatorial election bill passed in the senate, and was reconsidered next day. It never passed in the senate. The assembly bill was rejected, and the senate bill never came to a vote on its passage.

[15] It is not probable the bill could have passed, the remonstrance of S. F. was too strong. A memorial of 8 pages, addressed to the legislature in 1854, and signed by the mayor, and committees from the board of aldermen, was presented by a special committee appointed to visit the capital in May for this purpose. See *Remonstrance of the City of San Francisco*, in *Hist. and Incidents, S. F. Doc.*, 8.

Whatever the feuds in the democratic party previous to the senatorial election bill fiasco in the legislature, the factions had voted together at elections. But the Broderick and Gwin supporters could no longer do this; and as the regular senatorial election would occur at the next session, there was a Waterloo in prospect for one or the other faction. Efforts were made to unite them, but in vain.

After many preliminary meetings and county conventions, the state conventions of whigs and democrats came off in July 1854. The democrats met in Sacramento on the 18th. Broderick, being chairman of the state central committee, used his position to exclude the delegates opposed to him, by securing a building, the baptist church, and arranging the seating of the delegations so as to bring his friends immediately about him, and to leave no place for the unfriendly delegates. Further than this, he had his friends admitted by a private entrance in advance of the time appointed, so that when the doors were thrown open, the other delegations would be dispossessed of seats. He had determined every particular of the proceedings in caucus with his managers to give him control of the convention. The Gwin delegates, on the other hand, had concocted a counter-plan. The Broderick men had selected Ned McGowan for president of the convention; the Gwin men had chosen John McDougal, and made other preparations, including an armed guard to conduct their nominee to the chair.

At the hour of meeting, the anti-Broderick delegations were punctually at the door of the church, and in spite of the thorough management inside, forced an entrance, a picked number making their way to the front. In the centre of this party was the person selected to nominate McDougal for president.[16] Almost in the next instant, when Broderick

[16] O'Meara gives the names of Billy Mulligan, James P. Casey, Mortimer J. Smith, 'and others of similar courageous or desperate character,' as sus-

had called the convention to order, and before Broderick's man found his tongue, the motion to nominate McDougal was made. The nomination was a fair one, at least as fair as the other would have been; a member of the Broderick faction, however, in a moment collected his wits and nominated McGowan. This man Broderick declared that he knew and recognized as a delegate, but the other he did not know and could not recognize, pronouncing his seat contested. His right to decide a matter of this kind was denied; and the friends of McDougal putting the motion declared it carried, and hurried him forward toward the chair. McGowan was also declared chosen, and borne upward upon the platform. Soon the two were seated side by side, each playing his part as chairman. This duplex administration was as exciting as it was annoying, pistols being freely brandished on both sides. But yet more mad must these men become before the gods should destroy them, for no blood was shed, although the explosion of a pistol nearly brought on a catastrophe.

After a trying session which lasted until darkness fell, during which mutual accusations, confessions, and defiances were hotly interchanged, and during which the trustees and pastor of the church vainly implored the convention to leave the sacred edifice which their conduct desecrated, a temporary truce was obtained, and the two chairmen left the church, which the trustees would not suffer to be lighted, arm-in-arm, to meet upon the same platform no more that year. The church was closed against them, and next day separate halls were obtained for the two factions. The only subject touched upon during the afternoon session of the 18th, not of a personal or factional character, was when William Walker, the filibuster, and a

taining Broderick. Among the 30 men who pressed forward to the platform were, he says, Maj. Bidwell, Judge Terry, Sam Brooks, William G. Ross, Maj. Hook, Ben Marshall, G. W. Coulter, W. A. Nunally, Charles S. Fairfax, V. E. Geiger, Jo McKibben, M. Taliaferro, Maj. Solomon, and George S. Evans. *Broderick and Gwin*, 92.

Broderick man, uttered freesoil sentiments, McAlpin, on the Gwin side, declaring that no freesoil or abolition men should be permitted to sit in democratic councils.

When the division had been made, it was found that the anti-Broderick convention was most complete. It nominated for congressmen James W. Denver and Philip T. Herbert. The Broderick faction nominated James Churchman of Nevada, and renominated James A. McDougall. The whigs who met in state convention on the 26th, J. Neely Johnson, president, nominated Calhoun Benham—who during Buchanan's administration was United States district attorney for California, and during the civil war was arrested for treason, and confined in Fort Lafayette—and G. W. Bowie, of southern proclivities, for congressmen.

When the election came on in September there was, as usual, a surprise. The whigs had confidently expected to profit by the division among the democrats. But they were defeated, and the Gwin wing of the democratic party carried the election by 2,000 votes over them, and by 27,000 over the electionists, who had in all little more than 10,000 votes. There was small reason to be proud of their congressmen. Denver had already killed his man, as I have said; and Herbert slew an Irish waiter at a hotel when he went to Washington. We soberly begin to wonder, so familiar was murder to San Franciscans, that when after having been indicted by the grand jury of the District of Columbia and imprisoned, Herbert returned to this city, he was indignantly warned away by the public press. Denver fought for the union, and became a brigadier-general of volunteers. He was also governor of Kansas, and had the honor to have the capital of Colorado named after him.

Ballot-box stuffing was resorted to in San Francisco at this election; but so far as I have found any evidence, it was in the interest of city officials. The

honorable Edward McGowan, judge and gentleman, a true law-and-order man, and model for aspiring politicians, was the one to offer bribes to corrupt the judges of election, who were instructed how to stuff the boxes. The legislature elect was believed to be so divided between the parties that in the senate, at the session of 1855, the Broderick men outnumbered the Gwin men by two votes, aggregating, however, on the democratic side 25, while the whigs were but seven. In the assembly the Gwin men numbered 31, and the Broderick men 14, while the whigs were 35 strong, showing that in some counties they had gained considerably at the last election. Three distinct parties were recognized, under the names of electionists, anti-electionists—or as they were termed by some, bolters—and whigs. In joint convention there would be 43 anti-electionists, 28 electionists, and 42 whigs. It was seemingly in the power of the whigs to give the victory to either faction or to withhold it, at the senatorial election of 1855.

And now fortune threw in Broderick's way an opportunity of opposing himself to the chivalry upon a national issue. This was the repeal by congress of the Missouri compromise bill. The north in the national legislature was gradually giving way before the continued assertions of the south that it was unfairly treated in the matter of the public lands. Certain whig leaders advocated the repeal of the restriction of slavery in the territories north of latitude 36° 30′; but they were in the minority; and while they destroyed the whig party by this measure, they caused the organization of a new one upon its ruins—the native American or knownothing party. The complaint of the slave-holders and slavery extensionists was that the north encouraged immigration, and the population so acquired, anti-slavery in sentiment, filled up the new territories, acquiring title under the laws to land which belonged as much to the south as the

north. There were many in the north no less inimical to a foreign population, largely made up of a turbulent class, and very many of whom were of the catholic faith, which at bottom is opposed to republicanism. On this issue the north and south could unite, and did temporarily unite, for party purposes.

In San Francisco, and throughout California, there was a strong sentiment against foreigners, both from the southern point of view, and on account of the gold carried out of the country by foreign miners; consequently the San Franciscans were quick to adopt the doctrines of the native Americans, or knownothings, as the new party was named from the secrecy maintained concerning the proceedings of its meetings, to which the public was not at first admitted. In a city made up largely of foreigners, the success of the party was something anomalous, but depended upon the hope that a reform was to be worked in the government. To the new party it was to be ascribed that the following of Broderick in 1854 was only 10,000. But it was also out of this turn in politics that he was to recover what he had lost.

When the senatorial contest again began in the legislature of 1855,[17] the balloting opened February

[17] The state senate in 1855 consisted of E. T. Burton, J. T. Crenshaw, Nevada; G. W. Colby, A. S. Gove, Sac.; S. Day, Alameda and Sta Clara; W. Flint, W. W. Hawkes, D. Mahoney, E. J. Moore, S. F.; A. French, G. W. Hook, G. D. Hall, B. T. Keene, El Dorado; J. C. Hawthorne, C. A. Tuttle, Placer; H. P. Heintzelman, Sonoma and Marin; T. Kendall, J. W. Mandeville, Tuolumne; C. A. Leake, Calaveras; W. B. Norman, Calaveras and Amador; C. E. Lippincott, J. G. Stebbins, Yuba; W. H. McConn, San Joaquin and Contra Costa; P. C. Rust, Yuba and Sutter; J. P. McFarland, Los Angeles; E. McGarry, Napa, Solano, and Yolo; J. A. McNeil, Mariposa; W. B. May, Trinity and Klamath; E. T. Peck, Butte; J. D. Scellen, Sierra; R. T. Sprague, Shasta; B. C. Whiting, Monterey. Prest, S. Purdy; prest pro tem., R. T. Sprague; sec., W. A. Cornwall, removed March 22d, and C. Dickinson elected to vacancy; asst sec., C. Dickinson, succeeded by E. O. F. Hastings, on promotion; enrolling clerk, J. H. Gardner; engrossing clerk, J. P. Van Hagen; sergt-at-arms, J. T. Knox; door-keeper, J. C. Newman. The assembly consisted of E. G. Buffum, J. Cammett, W. A. Dana, W. B. Farwell, H. B. Hasmer, E. W. Taylor, G. P. Johnston, W. Whitney, R. C. Rodgers, of S. F.; J. G. Brewton, P. L. Edwards, H. B. Merideth, J. R. Vinegard, Sac.; E. Bogardus, J. L. Boles, W. F. Cunningham, T. Foster, J. C. Johnson, J. N. Smith, H. McConnell, E. A. Stevenson, El Dorado; D. O. Adkinson, C. S. Chase, E. S. Gaver, W. Geller, Clayton, Yuba; M. Andrews, W. Carey, R. F. Gragg, T. Moreland, Placer; R. B. Sherrard, Sutter; N. C.

17th, with 42 votes for Gwin, 12 for Broderick, 36 for P. L. Edwards (whig), 14 for McCorkle, 2 for McDougal, and 1 each for Heydenfeldt, Soulé, Sprague, and Billings. Fifty-six votes were necessary to a choice. Thirty-eight times the convention balloted, with at no time any important loss or gain to its three principal candidates. Gwin and Edwards ran evenly; Edwards, it was said, might have had the senatorship if he would have pledged certain federal offices to persons proposed to him for the places, which he refused. But Gwin could not get it, because Broderick's supporters were too well trained to go over to his rival for any cause. After the thirty-eighth ballot, the joint convention adjourned, and Gwin's seat in the United States senate was left vacant.

This humiliation of his enemy was not an empty triumph to Broderick. It gave him time, which was the important object. Gwin's defeat in convention balanced his of the previous year. He had the advantage of being not too nice to descend to the management of the primaries, where his early training made itself felt. To the wonder of his foes he was able, at the state convention of that year, to regain the control, and govern the nominations for the state offices.[18]

Cunningham, W. T. Ferguson, Sierra; F. Amyx, E. R. Galvin, T. J. Oxley, J. M. Quin, Tuolumne; E. T. Beatty, J. Pearson, S. B. Stevens, T. W. Taliaferro, Calaveras; D. T. Douglass, T. J. Keys, San Joaquin; J. T. Farley, Amador; W. W. Jones, F. Mellus, Los Angeles; A. Wells, C. G. Lincoln, Butte; E. A. Rowe, Trinity; J. J. Arrington, Klamath; R. D. Ashley, Monterey; E. M. Burke, T. C. Flournoy, Mariposa; H. M. C. Brown, E. H. Gaylord, J. Knox, E. G. Waite, J. W. D. Palmer, J. Phelps, Nevada; H. P. A. Smith, Marin; N. Coombs, Napa; J. H. Updegraff, Yolo; J. Doughty, Solano; W. Brown, Contra Costa; J. S. Watkins, Alameda; T. Baker, Tulare; H. Bates, Shasta; J. Cook, Stanislaus; J. M. Covarrubias, Sta Barbara; E. J. Curtis, Siskiyou; W. C. Ferrell, San Diego; W. R. Gober, C. T. Ryland, Sta Clara; W. J. Graves, San Luis Obispo; A. Kinney, Plumas; S. L. McCutcheon, Colusa; A. H. Murdock, Humboldt; J. Singley, J. S. Stewart, Sonoma; W. W. Stowe, Sta Cruz, speaker; J. J. Hoff, speaker pro tem.; J. M. Anderson, clerk; J. W. Scobey, asst clerk; C. Dannels, enrolling clerk; E. A. Kelly, engrossing clerk; B. McAlpin, sergt-at-arms; T. F. W. Price, door-keeper.

[18] Some say that Broderick offered to merge the two state central conventions into one, with one half of each retained, the other half dropped, and the choice of chairman to be decided by a method of his own; and that his offer was accepted, though the other factions outnumbered his 4 to 1. The

For this there were other reasons besides Broderick's skill in managing the masses. The democratic party, which was largely made up of Irish and German naturalized citizens, felt itself insulted by the tone of the chivalry toward foreigners. The western men and northern democrats were offended at being made to bow to the southern democrats, and also that all the federal patronage was given to the needy southerners, who crowded into place in California. Gwin had managed so adroitly in his public measures that he might have continued indefinitely in the senate, had it not been for his devotion to southern principles and southern men, to the complete ignoring of the north.[19] But being somewhat sore on this ground, and remembering that Broderick was a northern man with anti-slavery principles, they rallied to his standard in the state convention.

To whom could the anti-electionists appeal for purposes of retaliation, if not to the knownothings? To them they turned, and the result was a defeat of the democratic party at the general election, though they voted solid for Bigler for a third term,[20] giving him

alternative he offered was relentless ever, and they knew him too well not to accept the terms. *Broderick and Gwin*, 103.

[19] Hittell, in his *Hist. S. F.*, 291, points out that S. W. Inge of Alabama, U. S. district atty for Cal., and Volney E. Howard of Texas, law agent of the land commission, had as members of congress voted against the admission of the state, because by its constitution slavery was excluded; that Inge was succeeded by Della Torre of S. C.; that Judge Hoffman, who, as I have explained, was accepted by Gwin after he had quarrelled with Fillmore over his nomination of a whig to the place, was lowered by having a higher court placed over him, with Judge McAllister of Alabama presiding; and that the number of impecunious southerners of noted families provided for in the S. F. custom-houses, had given it the sobriquet of the Virginia poor-house. Frink, MS., 10, refers to the same exclusion of northern men from office in Cal.

[20] Bigler came to Cal. with his wife and daughter in 1849, and as I have said, scorned not manual labor, although bred a lawyer. He was a good neighbor, and kind to strangers in sickness, of whom there were many at Sac. After his defeat in 1855 he resumed the practice of law. During Buchanan's administration he received an appointment as minister to Chile, returning at the close of his term to Cal. Pres. Johnson gave him an appointment to inspect for the U. S. the sections of the Pac. R. R. as it was completed; and also gave him the office of collector of internal revenue. He died at Sac. in Nov. 1871, aged 68 years. *Sac. Report*, Nov. 30, 1871; *Sac. Bee*, Feb. 8, 1873; *Plumas (Quincy) National*, Dec. 9, 1871; *Placerville Democrat*, Dec. 9, 1871; *San Bernardino Guardian*, Dec. 9, 1871; *San José Mercury*, Dec. 7, 1871; *Solano Press*, 1865, in *Hayes' Coll., Cal. Notes*, ii. 289; *Tulare Times*, Dec 16,

46,220 votes; but the new party gave their candidate, J. Neely Johnson,[21] 51,157. It has been said that Estill, the governor's whilom chief friend, but with whom he had quarrelled on account of the state prison contract, had gone over to the knownothings with a following, in order to defeat Bigler; but Estill could not have carried 5,000 with him for any purpose.

The administration of Bigler brought forth no reforms in the state's affairs. While his messages show that he was conscious of the corruption about him, while he could not have been ignorant of all that was unceasingly complained of in the public prints, he was unable to stem the tide of misrule. Over and over he advocated economy, and reprehended the criminal profligacy of the legislatures. But rather than lose his office he lent himself to schemes as crooked as any. Like the man who mortgages his farm to raise money with which to speculate in stocks, he endeavored to repair some of the state's losses by the beach and water lot extension, and by the recovery of escheated estates, of which there were many[22] The money to

1871; *Or. Statesman*, Aug. 1868; *San José Pioneer*, Nov. 10, 1877; *Gwin's Memoirs*, MS., 71–3; *Shuck, Representative Men*, 47–62.

[21] J. Neely Johnson was born in southern Ind., and came to Cal. overland in 1849, studying and practising law at Sac. He was industrious, and became both city and district attorney. Soon after the close of his term as gov. he settled in Carson, Nev., and had charge of the estate of Sandy Bowers during the absence of that wealthy ignoramus in Europe, growing rich out of the fees he charged. He was elevated to the sup. bench in Nev., and died in S. L. City in Aug. 1872. His wife, whom he married in 1852, was a daughter of J. C. Zabriskie, an eminent counsellor and compiler of the *Land Laws*, U. S. *Oakland Transcript*, Sept. 1, 1872; *Watsonville Pajaro Times*, Feb. 18, 1865; *Carson State Reg.*, Sept. 1, 1872; *S. F. Bulletin*, Aug. 31, 1872; *Sac. Union*, Sept. 2, 1872; *Placer Times*, April 13, 1850; *Hayes' Scraps, Cal. Notes*. ii. 289; *Brown's Statement*, MS., 22.

[22] The Leidesdorff estate, the estate of Augustus Decker and the Jacinto El Moro estates, worth at that time $2,500,000, were believed to have escheated to the state; but the governor's recommendation to take steps to secure them were unheeded. *Ann. Mess.*, in *Cal. Jour. Sen.*, 1855, 39. The legislature of 1856 passed an act relative to escheated estates, permitting aliens to inherit and hold property, if claimed within five years. When not claimed in that time the property was to be sold, and the money deposited in the state treasury; and if not claimed in five years to be placed to the credit of the school fund. *Cal. Stat.*, 1856, 137–8. The Leidesdorff estate was claimed by Joseph L. Folsom, who purchased it of the heirs, the sup. court deciding in his favor. The Deske estate was also claimed by heirs in Prussia, and recovered. The El Moro case was dismissed, claimants having appeared. Thomas Hardy owned a Spanish grant of 6 square leagues, which was supposed to have es-

be derived from any of the plans for raising a revenue out of state property was for the purpose of paying debts which never ceased to accumulate. When the reform party threatened him, he grew querulous in his utterances; and in the struggle to redeem himself, lost the support of some of his political friends.

A measure frequently recommended by Bigler was the discontinuance of annual sessions of the legislature, and therewith the yearly expenditure of $300,000. The legislature of 1855 proposed amendments to the constitution, making the sessions of that body biennial, the next legislature to be elected in 1857, to meet in January 1858, with other regulations connected with the change. Another proposed amendment provided for submitting to the people the question of altering the entire constitution, with the manner of conducting an election on this subject. Still another amendment proposed an oath to be subscribed to by senators and assemblymen, that since the adoption of such amendment they had not sent or accepted a challenge, or fought a duel, or assisted or advised others in duelling. The first and the third of these were not considered worthy of notice, and were probably intended to carry the second; for the legislature of 1856, composed largely of southern knownothings, agreed only to this one, and passed an act submitting the question of amending the manner of calling for a constitutional convention to the people at the next general election. The people voted in favor of the amendment, but no call was made under it at that time.

The legislature of 1855 also passed an act concerning senatorial elections, to the effect that all regular elections for United States senators should be held "after the first day of January next preceding the

cheated, but it was taken possession of by virtue of a pretended administrator's sale. The estate of James Beckett was claimed by his widow. The aggregate amount of all this property was estimated at several millions. The legislature appropriated $30,000 for the prosecution of these cases, which was divided among the lawyers, the state gaining nothing. *Rept of Atty-Gen.*, in *Cal. Jour. Sen.*, 1856, 189–91.

commencement of the term to be filled,[23] and all special elections at any session at which a vacancy or executive appointment should be reported by the governor; a majority of all the votes given being necessary to an election, and the presence of a majority of all the members of the senate and assembly required. As the senatorial contest would be renewed at the next session, it was well to have an understanding of the law on the subject.

The knownothing party at the opening of 1856 had every prospect of electing a senator to succeed Gwin; there were three candidates, either of whom possessed much personal popularity; namely, H. A. Crabb of San Joaquin, E. C. Marshall, and Ex-governor Henry S. Foote of Mississippi, who like the rest of the governing race had come to California to find an office of honor and profit. The two latter were democrats, who had joined the knownothings for no other purpose than to gain place and power. They had yet to learn that there were many more deserters from the democratic ranks, who like themselves owed only a fictitious allegiance to the new party. In the assembly elected by the knownothings, there were those who needed not much persuasion to betray the new leaders. In short, a party made of the discontented of two organized and trained parties could not be expected to hold together a moment after any material inducement was offered them to return their former faith.

The law required that "on such a day as might be agreed to by both houses" they should meet, and by joint vote proceed to the election of a senator; but there was nothing in it compelling them to agree, or to go into an election. Both Broderick and Gwin had among the knownothings old followers whose habits of obedience were second nature, and to these they appealed to prevent an election. They were saved

[23] This, says Tuthill, was to keep Weller's seat open for a democrat. *Hist. Cal.*, 424; *Ryckman*, MS., 18–20.

all anxiety by the knownothing legislature, which did not go into joint convention[24] on a senatorial election.

Foote had been nominated in caucus, but Wilson Flint, democrat, of San Francisco, who was opposed to Broderick on the senatorial question at the previous session, defeated the motion for convention in the senate, on the ground that Foote was a pro-slavery politician who would never have come to California except to obtain office. In this action he was governed by his own convictions, but approved and encouraged by Broderick, to whom he went with the matter. According to Flint's testimony, given in 1860, at a dinner of the republican members of the legislature, he said to Broderick that, feeling as he did about

[24] The senate of 1856 was composed of W. Flint, F. Tilford, W. W. Hawkes, W. J. Shaw, S. F.; W. I. Ferguson, A. S. Gove, Sac.; J. C. Hawthorne, C. Westmoreland, Placer; W. C. Burnett, P. C. Rust, Yuba and Sutter; H. M. Fiske, A. French, G. W. Hook, J. G. McCallum, El Dorado; D. R. Ashley, Monterey and Sta Cruz; E. F. Burton, E. G. Waite, Nevada; S. Bynum, Napa, Solano, and Yolo; J. D. Cosby, Trinity and Klamath; D. Crandall, W. B. Norman, Calaveras and Amador; S. Day, Alameda and Sta Clara; S. H. Dash, Shasta and Colusa; H. P. Heintzelman, Sonoma, Marin, etc.; C. E. Lippincott, Yuba; W. H. McCoun, Contra Costa and San Joaquin; J. B. McGee, Butte and Plumas; J. A. McNeil, Mariposa; J. D. Scellen, Sierra; B. D. Wilson, San Diego, Los Angeles, and San Bernardino. Prest of the senate, R. M. Anderson; prest pro tem., D. R. Ashley; sec., W. Bausman; asst sec., R. Biven; enrolling clerk, A. E. Waite; engrossing clerk, W. Miller; sergt-at-arms, J. W. Ross; door-keeper, J. McGlenchy. The assembly was composed of J. Ewalt, J. George, T. Gray, H. Hawes, N. Holland, B. S. Lippincott, E. W. Moulthrop, S. A. Sharp, H. Wohler, S. F.; G. H. Cartter, G. Cone, G. W. Leihy, J. N. Pugh, Sac.; J. Borland, E. Bowe, S. T. Gage, T. D. Heiskell, J. W. Oliver, W. H. Taylor, L. S. Welsh, J. D. White, El Dorado; T. H. Reed, S. Sellick, L. Stout, R. L. Williams, Placer; J. W. Hunter, B. S. Weir, San Joaquin; V. G. Bell, S. W. Boring, D. Dustin, T. B. McFarland, G. A. F. Reynolds, Nevada; J. Dick, Butte; R. B. Sherrard, Sutter; J. T. Farley, G. W. Wagner, Amador; T. C. Brunton, M. McGehee, T. J. Oxley, J. T. Van Dusen, Tuolumne; A. J. Batchelder, J. Shearer, J. Sterritt, R. M. Turner, W. B. Winsor, Yuba; H. A. Gaston, A. A. Hoover, Sierra; R. C. Haile, Napa; A. R. Andrews, Shasta; W. McDonald, Klamath; E. J. Curtis, Siskiyou; R. Swan, Tulare; T. W. Taliaferro, E. T. Beatty, Calaveras; R. B. Lamon, G. H. Rhodes, Mariposa; E. J. Lewis, Colusa; G. R. Brush, Marin; J. M. Covarrubias, Sta Bárbara; J. J. Kendrick, San Diego; J. L. Brent, J. G. Downey, Los Angeles; A. M. Castro, San Luis Obispo; R. L. Matthews, Monterey; W. Blackburn, C. Davis, G. Peck, Sta Clara; E. Bynum, Yolo; J. C. Callbreath, Stanislaus; T. M. Coombs, Alameda; H. G. Heald, J. S. Rathburn, Sonoma; R. C. Kelly, J. Winston, Plumas; A. R. Meloney, Contra Costa; C. S. Ricks, Humboldt; A. M. Stevenson, Solano; W. W. Upton, Trinity. Speaker, J. T. Farley; speaker pro tem., T. B. McFarland; chief clerk, J. M. Anderson; asst clerk, A. M. Hayden; enrolling clerk, J. Powell; engrossing clerk, T. Moreland; sergt-at-arms, E. Gates; door-keeper, J. D. G. Quirk. *Cal. Reg.*, 1857, 191.

slavery, he conceived it to be his duty to aid the knownothings; to which Broderick replied that he agreed with him that such was his duty; adding, "Flint,[25] I will load the democratic party down with three tons of lead in this canvass." And he nominated Mr Bigler. This episode I introduce here to explain what followed later.

The knownothings stormed and threatened, but Flint was firm. Convinced there would be no election, Crabb withdrew in favor of W. I. Ferguson, a young lawyer, with nothing to recommend him but a handsome person, active brain, finished education, and dissolute habits. He was mortally wounded in a duel in August 1858 by George Pen Johnston, having gone back to the democratic party and aspired to congressional honors. Foote, a few years later, found his appropriate place in the confederate senate.

Sarshel Bynum was born in Ky, and came overland to Cal. in 1849. He was the first clerk of Solano co., and represented Yolo, Napa, and Solano in the legislature. He removed to Lakeport in 1862, where he became clerk of Lake co., holding the office until 1875. He died the following year. *Vallejo Chronicle* and *Napa Register*, Nov. 25, 1876.

R. C. Haile, born in Tenn., educated at Nashville, was a merchant in Sumner co. from 1836 to 1839, when he removed to Miss., and thence to Cal. in 1849, engaging in mining in Nevada City. After a year in the mines he settled in Napa valley, at farming and laboring, to which he added merchandising in 1857. Again in 1858 he removed, this time to Suisun valley, where he purchased 510 acres of land. He was elected to the legislature from Solano co. in 1868 and 1876. *Solano Co. Hist.*, 410–11.

Horace Hawes, a native of one of the eastern states, came to Cal. in 1845, as consul to some of the Polynesian groups of islands. In 1846 he resided at Honolulu, but returned to Cal., and was prefect of the district of S. F. in 1849. *Unbound Docs.*, 57. He had trouble with alcaldes Colton and Geary, whose land grants he opposed. By profession a lawyer, he resumed practice on the establishment of the state govt. He was the framer of the consolidation bill, which effected a great reform in the govt of S. F. He represented the co. of S. F. and San Mateo in the senate in 1863–4. In 1866 he drew up the registry law. He was a shrewd business man, and accumulated a large estate. His death occurred in 1871. He was the first man of wealth in Cal. to offer to give any considerable portion of it to a public institution; but the conditions of his gift of $1,000,000 were such that it was not practicable to accept it, and the property reverted to his heirs. *S. F. Alta*, March 10, 1871.

[25] Wilson G. Flint was a native of Ohio, born 1820. He engaged in mercantile pursuits in New York at an early age, and afterward went to Texas, whence he came to Cal. in 1849. He erected a warehouse at North Point, in which he conducted business for several years. In 1854 he turned his attention to farming, making experiments, and writing many treatises upon the subject. He was an ardent and firm friend of freedom, as his course in the legislature gave proof. He died at S. F. in Jan. 1867. *S. F. Call*, Jan. 6, 1867.

The state officers who came in with the knownothings were expected to bring in some reforms.[26] The governor promised very solemnly in his inaugural, and gave much earnest advice to the legislature. But it required a man of extraordinary nerve and a powerful personal magnetism to impress himself upon the turbulent and evil times to which the state was reduced by politicians who cared nothing for the welfare of the people, and everything for money and personal aggrandizement. The welfare of the people! Why, these lawyers, judges, and fire-eating politicians were the scum of the state! They were thieves, gamblers, murderers, some of them living upon the proceeds of harlotry, and all of them having at heart the same consideration for the people that had the occupants of the state prison, where these ought to have been; yet they were no whit worse, and could not possibly be, than the politicians of to-day. Johnson was a very weak individual. He could no more control the hybrid legislature than could a child. Even Bigler could have done little, as it was here too much like what he had complained of in his farewell message, that to be "made responsible for the acts of others, or for matters over which he could exercise no direct control," was bitter injustice. He advocated economy and probity, and the legislature did what it could at that late day, and yet the state treasurer elected with him was a defaulter to the amount of $124,000. He pointed out the illegality and unconstitutionality of the funding acts by which the state had sustained its credit, and thus led to an examination of the subject, and to the decision by the people to pay the debt and save the honor of California.

The knownothing legislature enacted the law drawn

[26] R. M. Anderson was lieut-gov.; David F. Douglass, sec. of state; George W. Whitman, controller, suspended in Feb. 1857, when E. F. Burton was appointed; Henry Bates, treasurer (resigned in 1857, and James L. English appointed in his place); William T. Wallace, atty-gen.; John H. Brewster, sur.-gen.; Paul K. Hubbs, supt pub. instruction, succeeded by A. J. Moulder, in 1857; W. C. Kibbe, quarter-master-gen.; state printer, James Allen; state translator, Augistin Ainsa. *Cal. Reg.*, 1857, 189.

up by Horace Hawes, by which San Francisco city and county governments were consolidated, the old charter repealed, and the whole list of city and county officers given their congé at the next general election; and they were forbidden to contract any debt in the interim not authorized by the act.[27] The consolidation act, and the benefits which flowed from it, gave great relief to San Francisco, and together with the acts of the vigilance committees, produced a revolution and reform, the greatest ever achieved with so little bloodshed. The most important and exciting events of the new administration I have reserved for a separate chapter. Under all the circumstances of this remarkable period, it was no doubt fortunate that no Charles the First occupied the executive office in California, and that Johnson subsided before that moral force which resides in the soul of an aroused people. It was the providence of almighty power among a suffering people that California at this juncture should have only the semblance of a man for governor. Had he been of better metal, it had been worse for him and all concerned.

The knownothing party enjoyed but a brief existence.[28] As a native American party it secured no standing in California, appropriated as it was for the shelter of hopeless whigs and disaffected chivalry. It was divided by the rise of the republican party in 1856. This year there were three parties in the field, and a president of the United States to be elected. There were three state conventions in California, supporting three candidates for the presidency: Frémont, republican; Fillmore, native American;[29] Buchanan,

[27] *Cal. Stat.*, 1856, 145–178. San Mateo co. was created out of the south end of S. F. co. by the same act.

[28] Fillmore had 36,165 votes in Cal.; Buchanan, 53,365; Frémont, 20,693; *Tuthill, Hist. Cal.*, 428. Joseph McKibben and Charles Scott were elected congressmen, over Whitman and Dibble, native Americans, and Rankin and Turner, republicans.

[29] The knownothings used to meet in a hall on Sac. street near Montgomery. *Coleman, Vig. Com.*, MS., 33; Morrell, in *Roman's Newspaper matter*, 76–7; *Sac. Union*, Jan. 5 and 22, and Sept. 1, 3, 6, 1856; *S. F. Bulletin*, Sept. 3, 4, and Oct. 22, 1856.

democratic. The whigs had some organizations, in clubs, and gave their support to Fillmore. The republicans made their maiden effort in California this year,[30] but the candidate they had to indorse was not popular with any party in the state. No bear-flag reminiscences could suffice now to extenuate certain other and more secret deeds connected with beef contracts and Mariposa estates.[31] Republicanism, too, at this time, was regarded as sectional, and therefore not to be encouraged. The election of Frémont, it was urged, would bring on disunion. Southern whigs, who deplored the attitude of the chivalry, whom they denounced as misrepresenting southern character, could not be drawn into the republican ranks, fearing that in the event of disunion they should be found taking sides against their own kindred and friends. The times were indeed out of joint in the political arena.

[30] Merrill claims to have organized the first republican club in Cal. 'They gave their influence to Broderick because he was anti-chivalry.' *Merrill, Statement*, MS., 10. In San Joaquin co. the chivalry said the republicans would not be permitted to organize or sit in convention. 'The convention was held, for all that.' *Staples, Statement*, MS., 15-16.

[31] Says the *S. F. Morning Globe*, Aug. 19, 1856: 'Frémont's pleading induced congress to pass a bill for his relief, and flush again, he redeemed his Mariposa estate, and bullied Corcoran and Riggs, who held the claim of King of William for $40,000, advanced on the beef contract, to accept $20,000 to $30,000 less than their due. Through Palmer, Cook, & Co. he shaved the patient Californians who had waited for the beef contract money, forcing them to take half. The cunning Palmer made the Mariposa deed over to himself, and then took a confession of judgment from Frémont for upward of $73,000 at 3 per cent per month interest. Hence Frémont's creditors had to take what Palmer offered. In this way most of the congressional appropriations fell into Palmer, Cook, & Co.'s hands, and saved them from bankruptcy in 1854. After that Frémont received $1,000 per month as Palmer's agent to aid them in their negotiations in the east, to raise money on the Mariposa and Bolton & Barron claims, but failed. Palmer's fortunes were hard pressed, and he ordered Frémont and Wright to bribe a black republican speaker into place. Thus Banks became speaker, and he made a committee report a bill to confirm the Bolton & Barron claims without ordeal of the U. S. courts. Herbert was the tool to lobby the bill, which he would have passed had he not killed the Irish waiter. Emboldened by success, Frémont struck for the black republican nomination. Selover alone spent $49,000 to get the nomination, says the *Placer Herald*, and the state's money, placed in Palmer's hands to pay the interest on her bonds, was so used. Unable to borrow money to cover the $102,000 of Cal. bond money, their game collapsed, and Cal. was dishonored. If Frémont were elected, Palmer would be sec. of treas., Wright sub-treas., and Selover collector of the port.' Such were the charges and revelations which the republican nominee for the presidency had to meet in Cal. The various capitalists with whom Frémont had to deal finally deprived him of his Mariposa estate, valued at $10,000,000, according to his own testimony. *N. Y. World*, Dec. 22, 1864; *Hayes' Scraps, Mining*, iv. 25.

The democratic party, feeling itself hard pushed by the two others in the field, again united, and assessed office-holders ten per cent upon the income of heads of departments, and five per cent upon the incomes of subordinates, to meet the expenses of the campaign and election. Thus in a circuitous manner the administration paid out of the public funds large sums of money for continuing itself in power; and either the salaries of the officials assessed were too large, or the holders of offices were oppressed to serve the purposes of the managers of their party.

State politics partook of the excitement of the late acts of the vigilance committees, and the legislative candidates of the native American party were called upon to define their position upon this question.[32] A pledge was required that such candidates, if elected, should vote for the passage of a law granting a general amnesty to the vigilance committee of San Francisco and their coadjutors; and against expending the public money to pay improvident bills made for the purpose of suppressing or exterminating the committee. The outrageous frauds perpetrated at former elections, and particularly in San Francisco, by ballot-box stuffing, and which had been one of the crimes against which the vigilance committee warred, was carefully guarded against in the general election of this year.[33] The municipal election in this city, in the spring, had been so managed that the city government was retained in the hands of the same corrupt officials against whom the honest citizens had for years

[32] *S. F. Bulletin*, Aug. 30, 1856; *Fay's Historical Facts*, MS., 21–2; *Sac. Union*, Oct. 10, 1856. Robert Robinson, Henry Palley, L. W. Ferris, J. Powell, A. P. Catlin, Robert C. Clark, and W. C. Wallace, of Sacramento co., declared their intention to give their support to the vigilance committee.

[33] The *Sac. Union* of Oct. 22, 1856, has a description of a plate-glass ballot-box, with a brass frame, a small opening for the ballot in a brass cap or contrivance that seized the same inside and rang a bell. Another ballot-box, described in the issue of the 29th of Sept., was made of strong brass wires, tightly woven, but which allowed of seeing the ballot introduced. The false ballot-boxes used by the stuffers are described in my *Popular Tribunals*, ii. pp. 7, 8; in *Frink*, MS., 22–3. Dempster speaks of them in manuscript, 55–7; also *Sayward*, MS., 33–4; *Brown, Statement*, MS., 20.

had no redress and no protection until the vigilance committee assumed the temporary government. By the consolidation act, these men would go out and new officers be elected under the act. To nominate competent and honorable men was the care of the people's party, an organization without reference to national affairs, which was bent upon correcting local abuses. Such was the political situation in 1856. The election went, as it was sure to go, to the now united democrats. Buchanan received a large vote in California, more than double that of Frémont.[34] The people's party effected some important reforms in city government; the whigs and knownothings and the republicans had received a lesson which was useful to them in 1860.

The potency of Broderick was shown in the spring of 1856, when he seized upon the democratic convention and welded the two factions, thus securing democratic presidential electors and a democratic legislature.[35]

[34] The presidential electors chosen were Della Torre, native of S. C.; Olivera, of Cal.; Bradford, of Pa; Freanor, of Md. Of the congressmen, Scott was from Va, and McKibben from Pa. Fairfax, clerk of the sup. court, was from Va, and also Moulder, supt of public instruction. *Sac. Union*, Sept. 15, 1856. This impartial (!) distribution of offices was a timely device of the party to unite it.

[35] The senate in 1857 was composed of W. J. Shaw, S. Soule, E. L. Sullivan, F. Tilford, resigned, and F. A. Woodworth elected to vacancy, S. F.; W. I. Ferguson, J. Johnston, Sac.; J. Walkup, C. Westmoreland, Placer; J. W. Coffroth, J. W. Mandeville, Tuolumne; G. J. Carpenter, H. M. Fiske, S. M. Johnson, J. G. McCallum, El Dorado; J. B. McGee, Butte and Plumas; P. de la Guerra, Sta Bárbara and San Luis Obispo; B. D. Wilson, San Diego, Los Angeles, and San Bernardino; D. R. Ashley, Monterey and Sta Cruz; S. B. Bell, Alameda and Sta Clara; W. C. Burnett, J. O. Goodwin, Yuba and Sutter; S. Bynum, Napa, Solano, and Yolo; S. H. Chase, E. G. Waite, Nevada; J. D. Cosby, Trinity and Klamath; D. Crandall, W. B. Norman, Calaveras and Amador; S. H. Dosh, Shasta and Colusa; A. R. Meloney, Contra Costa and San Joaquin; S. A. Merritt, Mariposa; R. S. Mesick, Yuba; A. W. Taliaferro, Sonoma and Marin; W. T. Ferguson, Sierra. Prest, R. M. Anderson; prest pro tem., S. H. Dosh; sec., G. S. Evans; asst sec., T. Ward; enrolling clerk, J. C. Shipman; engrossing clerk, J. H. Webster; sergt-at-arms, A. Hunter; door-keeper, J. McGlenchy. The assembly was composed of M. C. Blake, R. Chenery, V. J. Fourgeaud, R. M. Jessup, E. Miro, R. Murphy, C. Palmer, T. G. Phelps, W. W. Shepard, S. F.; A. P. Catlin, R. C. Clark, L. W. Ferris, J. W. McKune, Sac.; G. D. Hall, J. Carpenter, S. F. Hamm, J. Hume, G. McDonald, C. Orvis, M. N. Mitchell, J. Turner, El Dorado; H. Barrett, W. Burns, M. Fuller, D. W. C. Rice, G. N. Swezy, Yuba; C. Gilman, G. W. Patrick, G. H. Rogers, J. R. Underwood, Tuolumne; W. W. Carpenter, J. O. Neil, A. P. K. Safford, S. B. Wyman,

The latter he depended upon to elevate him to the United States senate, and the former to give him standing with the president.

The expiration of Weller's term would leave two places to be filled in the senate, and remove one difficulty in the way of continuing unbroken the democratic patronage in California. If Broderick could be brought to relinquish the pursuit of Gwin's place, and content himself with Weller's, harmony might be restored, and the friends of one might work for the other. That, indeed, was the compact entered into early in the spring between Broderick's managers and the chivalry, and which secured harmony in the democratic ranks through the campaign.

The legislature met on the 5th of January, 1857, which was to decide the senatorial contest now in its third year. The aspirants were several, Ex-senator Weller, Ex-congressman Latham, who as collector of customs had a rather numerous following, Ex-congressman McCorkle, B. F. Washington, Stephen J. Field, Frank Tilford, J. W. Denver, and P. A. Crittenden. The agents of the four principal candidates, Gwin, Broderick, Weller, and Latham, were industriously at work long before the legislature met. Broderick, in summing up the results of his labor, ascertained that he lacked two votes in the legislative body.

But now a bold idea presented itself, which was no

Placer; E. T. Beatty, G. L. Shuler, J. S. Watkins, Calaveras; M. Cassin, E. M. Davidson, P. Moore, P. H. Pierce, W. C. Wood, Nevada; J. S. Long, J. S. Morrison, Butte; B. J. Coil, S. M. Miles, Sierra; W. J. Howard, D. Showalter, Mariposa and Merced; S. R. Warrington, Sutter; B. F. Varney, Siskiyou; I. Hare, Shasta; B. H. Miles, Sta Cruz; W. J. Graves, San Luis Obispo; E. Castro, Monterey; J. M. Covarrubias, Sta Bárbara; J. L. Brent, E. Hunter, Los Angeles; J. J. Kendrick, San Diego; J. Hunt, San Bernardino; O. K. Smith, Tulare and Fresno; N. Palmer, J. A. Quimby, Sta Clara; J. B. Larue, Alameda; J. M. Estill, Marin; T. H. Anderson, Napa; T. M. Aull, T. Jenkins, San Joaquin; J. C. Burch, Trinity; J. S. Curtis, Yolo; U. Edwards, R. Harrison, Sonoma and Mendocino; W. Holden, Stanislaus; A. Inman, Contra Costa; R. Irwin, Plumas; J. Livermore, W. M. Seawell, Amador; C. S. Ricks, Humboldt; D. M. Steele, Colusa and Tehama; A. M. Stevenson, Solano; S. G. Whipple, Klamath. Speaker, E. T. Beatty; speaker pro tem., J. O'Neil; chief clerk, W. Campbell; asst clerk, J. W. Scobey; enrolling clerk, R. Lambert; engrossing clerk, S. B. Harris; sergt-at-arms, S. F. Brown; door-keeper, J. J. Frazier. *Cal. Reg.*, 1857, 191-96.

less than to prevail upon his friends in the legislature to make the nominations in caucus before going into convention, and to nominate the successor to Weller first. Such a proceeding had never been heard of, as electing a successor to a man still in office, while the place vacant two years before remained unfilled; but original methods were quite in Broderick's line. The more he thought of it, the more fortunate it seemed that it had occurred to him. Bargaining was not neglected, some of Latham's friends being brought into the arrangement by intimations that Latham was his choice for a colleague.

A resolution was adopted in caucus, "that in making the nominations for United States senators, the following order of business shall be observed: 1st. The nomination of a senator to fill the long term, to succeed Hon. John B. Weller; 2. The nomination of a senator to fill the short term, to succeed the Hon. William M. Gwin." The vote stood 42 to 35 for adoption, only Mandeville of Tuolumne moving a substitute to nominate first for the short term. The caucus then balloted for a nomination for the long term, when Broderick had 42 votes, Weller 34, and Tilford 3. The nomination was then made unanimous. But the nominee for the short term was not decided upon, no one having more than 26 votes, and 40 were necessary to a choice. On the 9th the legislature went into joint convention, and elected Broderick as the successor of Weller, his commission being immediately made out by the governor.

Thereupon Broderick resolved upon another bold movement. The election of the senator for the short term would be as he should direct, and the aspirants were openly anxious for his friendship. This led him to reflect upon the combinations. To Jonathan Carpenter, who had voted for him, and who desired Latham for the next place, he said: "If I go to the senate with Latham as my colleague, and Scott and McKibben, being his friends in the lower house, I

shall be a mere cipher; but if I go with the other man [Gwin], I can have things my own way."

How could he have things his own way? Conferring with Latham and Gwin, he found both willing to renounce the federal patronage to him for the sake of the senatorship. Latham, indeed, made a show of stipulating that three, or at the least one, of the most important offices should be at his disposal. This was, perhaps, because he had promised in writing that Frank Tilford should have the collector's office, in the event of his election; but finding Broderick quite serious about the patronage being left to him, he caused this writing to be abstracted from Tilford's desk,[36] complaint of which being made to Broderick, the latter made this treatment of Tilford, who was his friend, as friends go in the political arena, a reason for deciding against Latham.[37] Gwin managed more adroitly, and made what appeared to be, and what he asserts in his *Memoirs* was, a voluntary surrender of a privilege which had only brought him ingratitude and anxiety.[38]

[36] Tilford, born 1822, was of Scotch-Irish descent, but a native of Lexington, Ky. He came to Cal. overland with a company of young men in 1849. He was elected recorder of S. F. in 1850, and was candidate for mayor in 1851, but was beaten by the whig candidate. He then formed a law partnership with Edmund Randolph and R. A. Lockwood. He was nominated for judge of the superior court in S. F. in 1854, and again defeated, this time by the knownothings. In 1856 he was a candidate before the democratic convention for congressman, but Scott was chosen instead. In 1857 he supported Broderick, and received, not the collector's office, but the appointment of naval officer of the port of S. F. for 4 years. He was a Breckenridge democrat in 1860. He removed to Nevada co. in 1868, editing the *Sun* at Meadow Lake, but finally returned to S. F. *Shuck, Representative Men*, 277–87.

[37] In the campaign of 1858, Latham endeavored to exonerate himself from the blame of purloining a letter from another man's desk, and had written evidence in his behalf. But there was just as much written evidence on the other side; and Tilford, when on the stand, would say nothing more definite than that he 'believed Mr Latham to be entirely innocent of all wrong and all criminality in relation to the transactions referred to in that letter, and mentioned by Mr Broderick.' *Democratic Standard*, in *Hayes' Coll., Cal. Pol.*, ii. 43. It was, in fact, only one of the thousand political scandals from which no man in the politics of Cal. was entirely free.

[38] *Memoirs*, 131–2. To Broderick he said: 'Provided I am elected, you shall have the exclusive control of this patronage, so far as I am concerned, and in its distribution I shall only ask that it may be used with magnanimity, and not for the advantage of those who have been our mutual enemies, and unwearied in their exertions to destroy us. This determination is unalterable; and in making this declaration I do not expect you to support me for that reason, or in any way to be governed by it. But as I have been betrayed by those who should have been my friends, I am powerless myself,

As the price of this renunciation, he was elected to succeed himself on the 13th, receiving 82 out of 112 votes. On the following day he published an address to the people, acknowledging his obligation to Broderick for his election, and again renouncing the federal patronage, on the ground that those whom he had benefited had been false to him, that the distribution of offices had been a source of discord, and a wearisome care of which he was glad to be disburdened. This letter was intended to forestall any possible revelation by Broderick of the bargain and sale.

But the device was apparent, and the chivalry loudly indignant. That their leader should have to purchase his seat in the senate of Boderick, the stone-cutter's son, a man of the lower stratum of the people, a mudsill[39] of the north, was an outrage to their sensibilities not to be endured. And strangely as it seemed to Broderick, the majority of his party sympathized with them. He was intensely mortified and disappointed. Latham chose to consider himself badly used; and Tilford through him was also wounded.[40] He was no

and dependent on your magnanimity.' *Hittell, Hist., S. F.*, 298. It was true that his friends had betrayed him; but it was not true that he was anxious to be entirely relieved of the patronage which had kept him in place ever since Cal. was a state, as his appeal to Broderick's magnanimity rendered evident. The *Gazette*, issued at Monitor, in June 1864, published the following correspondence between Gwin and Broderick, in 1854, when the great contest began. If it be authentic, Gwin was the first to offer a trade. Both communications were marked confidential: 'Dear Sir: If you will consent to withdraw your name for the U. S. senate I will use my influence—and you know its value—to have you nominated for governor. The nomination is equivalent to an election. Your obedient servant, W. M. Gwin.' To which Broderick replied: 'D. C. Broderick presents his compliments to Senator Gwin, and begs to inform him Broderick is in the habit of making the governor of California himself. To W. M. Gwin.'

[39] This famous term 'mudsill,' applied to the laboring classes, originated with Senator J. H. Hammond of S. C., in a speech as follows: 'In all social systems there must be a class to do the menial duties, to perform the drudgery of life; that is, a class requiring but a low order of intellect and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement. It constitutes the very mudsill of society, and of political government, and you might as well attempt to build a house in the air as to build the one or the other except on this mudsill.' Broderick quoted this, and more of the speech in which it occurred, in a speech of his own to which I shall refer later. For Hammond's speech, see *Cong. Globe*, 1857–8; *App.*, 69.

[40] In a speech made at Nevada, Aug. 1st, Latham gave the history of the senatorial bargaining, so far as he was concerned in it. He said he told

better friend with Gwin than formerly; and was led to have a contempt for him which, with the renewed hostility of the chivalry, resulted in a complete estrangement, so that no communications passed between them.

There were doubtless other reasons for Broderick's final decision besides the love of power, or the peccadilloes of his rivals. Like all democrats of the ante-bellum type, party unity was a governing motive. He wished to be on good terms with the new administration. Gwin had his implied promise to support the party. He was aware of the hold which Gwin had upon the people of the state, who generally regarded him as having done a great deal for California, and he felt a pride in not taking a mean revenge on his political foe.

But in demanding the resignation of the patronage to him, he saw no injustice. For all the years that Gwin had been in the senate of the United States, none but pro-slavery men had received the gift of office from his hand, except in the case of Hoffman, of which I have before spoken; and during most of that period he had enjoyed the patronage alone. Broderick, being now in a position to make terms, thought this a good opportunity to give northern democrats a chance, and to reward his political friends, as well as to remove the odium from California of being a Virginia poor-house. From his point of view, there was no reason for the howl that went up all over the state, that he had taken advantage of Gwin, and that he had done so out of revenge. Admitting that he had, was there not sufficient provocation in the sneering tone of the chivalry toward the Broderick men?[41]

An acknowledged trait of this genius of the people

Broderick that he had agreed to go for Tilford for collector, Crandall for surveyor of the port, and Solomon for U. S. marshal. *Hayes' Coll., Cal. Pol.*, ii. 33.

[41] It was openly reported that Gwin declared he would not associate with Broderick if he should be elected.

was the strength of his own convictions, without which, indeed, he could never have risen from the trade to which he was bred to be a senator of the United States. Knowing that he had associated with New York roughs, and that he had used a similar class in San Francisco to elevate himself to power, it is natural to look for in him some habits of profligacy or wildness of deportment. On the contrary, he was known among his friends as one who smiled but seldom; who mourned because he had no kindred left on earth; a man of few confidences, often gloomy, and never gay. His loves and hates were intense, as was his power to inspire others with similarly strong sentiments. His personal adherents were lovers more than friends. Proud with the consciousness of his abilities, with womanly sensibilities held in control only by a powerful will, to those who knew him best he was a mystery.

This "lone, strange, extraordinary man"[42] was struck dumb with surprise that so much sympathy should be awakened for Gwin. He could not see any good reason for it; nor, I confess, do I. But if he was pained and angered at this sudden defection in California, he was stung in his innermost nature to find in the national capital, the goal of his long strife, an organized hostility to him in the democratic senate, presumably upon the ground of the bargain with Gwin; while Gwin, who had condescended to purchase his place, was attitudinizing as a martyr. What he had expected for his services, in the party of which President Buchanan was a leader, was friendliness, even approbation; but on calling upon the president at Wheatland, he was undeceived. "It was cold outside the house," he said, "but it was ice within."[43] He had yet to learn that chivalry had captured the president,[44] and that his free-state de-

[42] *S. F. Argonaut*, April 28, 1878.
[43] *John W. Forney*, in *S. F. Post*, March 8, 1879.
[44] Nothing could better illustrate the perfect and tyrannical system of the democratic party of this period than the fact that a regular espionage had

mocracy had no standing in the senate. As to the federal patronage, while Gwin kept to the letter of his agreement, Broderick found his recommendations ignored, and the president making his appointments through Gwin's advice, which he asked, and of course obtained.[45] This peculiar relative position of the senators left the congressmen the better opportunity to bring forward their friends. The grand prize of the collector's office was given to B. F. Washington, an old friend of Gwin, who approved of McKibben's choice. J. D. Fry became postal agent; Thomas J. Henley, superintendent of Indian affairs; Richard Roman, appraiser-general; Michael Kane of Pennsylvania, appraiser at San Francisco; P. L. Solomon, United States marshal; Della Torre of South Carolina, United States district attorney; and Charles Hempstead, a young man who had been Governor Bigler's private secretary, was made superintendent of the mint. Bigler, who had gone to Washington in the hope of the collectorship for himself, failing of that, was consoled by a mission to Chili; and men of lesser pretensions had to be satisfied with what they could get. Of the office-seekers who had built their hopes upon Broderick, few received anything, and they not the first places.[46]

Broderick's was not a nature to be cowed by the president's disapproval. Highly incensed, he re-

been exercised over Cal. ever since Gwin had been in the senate. Judge Crane, in his pamphlet, *The Past, the Present, and the Future of the Pacific Coast*, complains of this espionage, and remarks that no such thing had ever been thought of or practised concerning the other states. It never would have been in Cal., had not the slave power determined to control, by any and every means, the affairs of this coast. 'The reports,' said Crane, 'are kept a profound secret from the public and the parties concerned. How do we know but what our people are grossly libelled and maligned by these secret agents? The character of some of them was most grossly traduced under Mr Fillmore's administration, by the secret agent then in Cal.' J. H. Clay held this office under Fillmore, and J. Ross Browne under Pierce. Browne's commission required him to examine the accounts of federal officers and to direct their official acts. *S. F. Bulletin*, Oct. 8, 1856. Another part of Browne's duty was to dismiss from office any man suspected of not being a supporter of the administration. Fillmore was nearly as much under Gwin's influence as was Pierce, and removed or appointed whom he would.

[45] *Gwin, Memoirs*, MS., 33.

[46] His return to New York was celebrated with the firing of 100 guns.

turned in April to California to explain his failure as a patron to his friends, and to labor for the control of the state convention which was to nominate a governor and lieutenant-governor. By the steamer which brought him came a letter from Gwin to a political friend who would know how to use it, stating Broderick's purpose to nominate his followers to the state offices, and to censure the administration for the federal appointments.

Any attack on a democratic administration by democrats was, according to party usage, treason, and Broderick was at once called upon to state his position. The questions he was asked to reply to were, whether he had declared himself hostile to the administration while in Washington; whether it was true that he had entered into any contract with Gwin concerning the federal patronage; whether the rumor that Gwin had secured several appointments in the face of his address from Sacramento was well founded; and whether he had any intention to disrupt the party in the state convention.

Broderick treated these allegations as calumnies. He replied that he did not return to make war upon the administration of Buchanan. He declared that his election was effected by the free choice of his friends, "without bargain, contract, alliance, combination, or understanding with any one;" that after his election Gwin sought his aid to secure his own. "Regarding him as the acknowledged leader of the other wing of the party, I believed his election would heal dissensions and effect a reunion." "Between Mr Gwin and myself there was no condition whatever in regard to the distribution of patronage." He defended Gwin from the imputation of controlling the recent federal appointments, in the face of his public declaration that he would not do so. "Surely," said he, "the combination at Washington of the late and present members of the lower house of congress, of the senator whose term has expired, of the three presidential

electors, and a throng of active supporters, well practised in the trade of soliciting offices, all against me, would seem to be enough without the personal interference of my colleague. In the absence of positive evidence, I must, therefore, regard the report of which you speak as a mistake. I am not here to distract the party, nor to control its nominations."[47]

Broderick's motive for this denial of all the charges was probably the single one of preserving the unity of the party.[48] He had now more powerful enemies than ever before. Ex-senator Weller, whose friends regarded him as having been tricked out of a reëlection, was unfriendly. Latham, who was, as he thought, not fairly treated, was also unfriendly. Tilford, who expected a fat office, was disappointed, and of course not friendly; and there were others disaffected on account of the rumors sent in advance of Broderick from Washington. Finding affairs in this state, he refrained from any strenuous effort to control the state politics. In convention he nominated McCorkle[49] for governor; but Weller, who had been welcomed back to California with effusion by the chivalry, was the favorite of the party,[50] received the indorsement of the convention

[47] *Correspondence* of Alfred Reddington and J. P. Dyer, with D. C. Broderick, in *S. F. Post*, March 8, 1879.

[48] Gwin denies that there was any bargain, and declares that he renounced the federal patronage because he was exasperated by having his reëlection opposed 'by some of the most influential men, whose promotion to office he had secured. In his cooler moments, no one regretted it more than Gwin himself.' *Memoirs*, MS., 133. But even his champion, O'Meara, declares that he sold the patronage to Broderick for his influence in reëlecting him.

[49] McCorkle was the leader of the democracy in Butte co., said the Oroville *North Californian*. 'He gives the cue to the young cockerels who are just learning to crow, and allows them to strut and swell, and flap their wings, and jostle him about with the utmost familiarity. The old, full-fledged fowls he clucks into a corner, and explains to them with owl-like gravity the plots and mysteries of the party. He then clucks the whole brood up to the bar, and they take a drink.' *Sac. Union*, Nov. 21, 1856.

[50] Mr O'Meara does not like vigilance committees. There have been many men in Cal. who felt the same way. He says that John Nugent, editor of the *S. F. Herald*, whose business had been ruined by the committee, was presented in candidacy, on account of his determined hostility to the committee, 'in order to vindicate his course; but his name had been withdrawn before the balloting, as his friends found it impossible to prevail against Weller. During the discussion on a proposed platform resolution denouncing the vigilance organization, Colonel Joseph P. Hoge, the acknowledged leader of the convention, stated that the committee had hanged 4 men, banished 28, and arrested

by a vote of 254 to 61, and was elected. Joseph Walkup of Placer was chosen lieutenant-governor. The only Broderick man on the ticket, of more than local prominence, was Stephen J. Field, elected supreme judge. John O'Meara, another of Broderick's friends, was elected state printer. The knownothings had disappeared, and the opposition to democracy was in a chaotic state.

The legislature chosen for the session of 1858,[51]

280; and that these were nearly all democrats.' This was certainly bad for the democrats. The truthful colonel might have gone further in his investigations, and have ascertained that the criminals sentenced by the regularly organized courts were democrats almost to a man. It was because the courts, in the interest of that party, had obstructed the course of ordinary justice that the committee was organized.

[51] The senate of 1858 consisted of hold-over members, S. A. Merritt, Aaron R. Meloney, Josiah Johnson, Alfred W. Taliaferro, S. H. Chase, Samuel M. Johnson, George J. Carpenter, Wm B. Norman (vacancy filled by Wm L. Lewis), Wm I. Ferguson, Richard S. Mesick, Jesse O. Goodwin, Samuel Bell, Samuel Soule, Eugene L. Sullivan. Senators newly elected, Cameron E. Thom, Los Angeles, San Bernardino, and San Diego; Romualdo Pacheco, Santa Bárbara and San Luis Obispo; D. S. Gregory, Sta Cruz; Wm Holden, George H. Rogers, Stanislaus and Tuolumne; Wm I. Ferguson, Sac.; Humphrey Griffith, Napa, Solano, and Yolo; J. Berry, Del Norte, Klamath, and Siskiyou; E. Garter, Colusa, Shasta, and Tehama; A. S. Hart, John Colter, Butte and Plumas; Isaac Allen, Yuba; J. H. Baker, James Anderson, Placer; S. Hamm, W. B. Dickinson, El Dorado; L. N. Ketchum, Amador and Calaveras; John C. Burch, Humboldt and Trinity; E. F. Burton, Nevada; Gilbert A. Grant, T. G. Phelps, S. F. Prest, R. M. Anderson; prest pro tem., S. A. Merritt; sec., Thomas N. Cazneau; asst sec., James T. Ewing; enrolling clerk, J. T. Shipman; engrossing clerk, Louis Bartlett; sergt-at-arms, J. W. Hawkins; door-keeper, John McGlenchy.

The assembly consisted of Homer King, R. M. Briggs, Amador; J. H. Hobart, Alameda; James Hitchens, Butte; B. F. Marshall, E. Parker, T. O'Brien, Calaveras; F. M. Warmcastle, Contra Costa; E. J. Lewis, Colusa and Tehama; R. P. Hurst, Del Norte and Klamath; David E. Buell, J. B. Galbraith, J. Graham, J. S. Tipton, H. A. Moses, C. W. Pearis, Harvey Lee, B. F. Loofbourrow, El Dorado; A. H. Mitchell, Fresno, Tulare, and Buena Vista; H. W. Havens, Humboldt; Henry Hancock, Andreas Pico, Los Angeles; James T. Stocker, Marin; I. N. Ward, John H. Tatman, Mariposa; Hosea Abrego, Monterey; Thomas H. Anderson, Napa; Wm Hill, J. Caldwell, J. P. Warefield, James K. Smith, George A. Young, Nevada; D. B. Curtis, A. P. K. Safford, Nicholas Kabler, W. C. Stratton, Placer; J. L. C. Sherwin, S. L. Ballou, Plumas; E. A. Sheridan, R. D. Ferguson, C. S. Howell, Moses Stout, Sac.; J. W. Smith, San Bernardino; Robert M. Groom, San Diego; G. C. Holman, A. G. Stakes, San Joaquin; H. M. Osgood, San Luis Obispo; S. B. Gordon, San Mateo; Russell Heath, Sta Bárbara; Solon Simons, W. W. McCoy, Sta Clara; J. C. Wilson, Sta Cruz; Charles R. Street, Shasta; J. A. Clark, R. D. Hill, Sierra; A. B. Walker, Siskiyou; N. H. Davis, Solano; Uriah Edwards, J. S. Ormsby, Sonoma and Mendocino; George W. Thomas, Stanislaus; J. O. Harris, Sutter; Edward Neblett, Trinity; A. A. H. Tuttle, W. J. Markley, P. M. Haldeman, T. Hamblin, Tuolumne; Wm Minnis, Yolo; N. E. Whitesides, F. L. Ord, B. E. S. Ely, C. E.

which the *Bulletin* called the reconsiderationists, from their vacillating course, adopted a resolution indorsing the president's Kansas policy, which recognized the right of slavery to be extended into the territories, under the laws of the United States, and which could not be excluded until after the state had been admitted into the federation, and Broderick was instructed to vote for it. It happened also that the fugitive slave law, as applied to California, was tested in the courts this year,[52] creating much excitement among the colored population, and not much less among the white inhabitants, the law being so construed by the United States commissioner that the negro claimed was liberated. This was not the only case since 1851, but it was decisive, and the last fugitive slave case in the courts of California.

In 1852 Peachy of San Joaquin introduced a resolution in the assembly to allow fifty southern families to immigrate to California with their slaves. Some, indeed, did come, who on finding they could not legally hold their slaves, sent a part of them back, while others became free. In 1855 two men, named Chase

De Long; D. R. Spillen, Yuba; J. W. Cherry, J. Banks, J. B. Moore, Cyrus Palmer, Caleb Burbank, W. W. Sheppard, S. W. Holliday, Thomas Gray, S. F. Speaker, N. E. Whitesides; chief clerk, J. M. Scobey; asst clerk, J. W. Bingay; sergt-at-arms, James F. Qwin; enrolling clerk, T. J. Mitchell; engrossing clerk, W. McConnell; door-keeper, A. F. Wager.

[52] This was the case of the slave Archy, claimed by a Mr Stovall, from Miss., who came to Cal. in 1857, and taught school at Sac. In Jan. 1858 he prepared to send Archy back to Miss., but the chattel refused to go, and escaped. He was arrested, and his friends sued out a writ of habeas corpus, on the ground that Stovall was not a traveller, nor Archy a fugitive under the acts of 1852, 1853, and 1854. He was rearrested as soon as discharged, and his case hastened up to the sup. court, Burnett being then upon the bench, having been appointed to fill the vacancy caused by the resignation of Terry. Stretching at once conscience and the constitution, Burnett decreed the black man to be the property of the white man, and Stovall took him on board the steamer for the states; but when outside the entrance, Stovall was arrested for kidnapping, and Archy brought back by writ of habeas corpus. E. D. Baker was counsel for Archy, and J. A. Hardy, afterward impeached for treasonable utterances, pleaded Stovall's cause. George Pen Johnston, himself a southern pro-slavery man, was U. S. commissioner, but heard the case impartially, and ordered Archy liberated. The decision was upon the ground that his former master could not plead that he was a traveller passing through the country with his property, for he had been a year in the state engaged in business, knowing that Cal. was a free state. *Tuthill, Hist. Cal.*, 550-1; *S. F. Bulletin*, Jan. 13 and March 5, 6, 8, 16, 1858; *Grass Valley Union*, Nov. 9, 1873.

and Day, were ridden on a rail, ducked, and otherwise maltreated in Alameda county for being abolitionists. In this year expired the fugitive slave law of California, draughted to enable the slave-holders to reclaim any negroes brought into California before its constitution was framed. It had been twice extended, but was now inoperative; and the colored population, feeling that they were really free, held a convention in San Francisco, at which they discussed their rights, treatment by white people, politics, and principles, and necessity of education. This convention was repeated in 1856, and an effort made to secure the repeal of the law prohibiting negro testimony in cases where white persons were parties. In December of this year a negro named Coffee purchased his freedom, paying $1,000 for himself, and sending the money to his former master in Missouri, who sent him his manumission papers. This self-sacrifice was entirely unnecessary, but probably discharged in the mind of the man trained to slavery some sense of obligation, and secured for him the legal evidence that his freedom was not in dispute.

At the same time in San Bernardino county, two negro families, comprising fourteen persons, were claimed as slaves by a former master who wished to take them to Texas. An appeal was made in their behalf to the United States district court. The plea offered was that they were going of their own free-will, the mothers being willing for the children; but the court decided that the children should not be taken unless after being made fully aware of the condition awaiting them, and the marshal was ordered to prevent their abduction.

In 1858 there was introduced, or revived for the benefit of Americans, the long-disused practice of Indian slavery in southern California. The person employed in the purchase of Indians was Francisco Castillo, who carried goods to the San Pedro Martin mission, in Lower California, where he exchanged them with the chief Iatiñiel for young Indians to be

sold in Los Angeles. Castillo made several of these trading excursions to procure slaves.[53] Mr Tuthill, in his *History of California*, written with the advantages which a newspaper man possesses of collecting contemporary history, makes the somewhat singular statement in his otherwise almost faultless narrative, that "the negro, though the staple topic of congressional legislation, did not much trouble that of California."

While it is true that California had not to bear the burdens of congress, being only a thirty-first part of the union, and having a free constitution, there had never been a session in which the negro, in some shape, or under some disguise, had not been the subject of legislation. Even while the constitution was forming to which he subscribed, Gwin was plotting against the freedom of at least a portion of the state, assisted afterward by the chivalry in the legislature and out. Such was the meaning of the law passed in 1856 and 1857, providing for the submission to the people of certain amendments, and recommending to each of the electors to vote for or against a convention to change the constitution. The result of the election in 1857 was that only 48,906, out of 93,881, voted on the question. Of those who did vote upon it, 30,226 were in favor of calling a convention, and 17,680 were opposed to it. Thus, taking the vote for lieutenant-governor for a basis, namely, 93,881, there were not one third of the electors who desired or consented to the proposition for a constitutional convention. This caused Governor Johnson to doubt the obligation imposed upon the legislature to summon a convention, and he left it to that body to decide for themselves their duty on this point; "yet despite my wishes," he

[53] *Staples' Statement*, MS., 16–17; *S. F. Herald*, June 10 and 19, 1852; *S. F. Alta*, Feb. 8, Aug. 31, Sept. 22, Oct. 6, 1852; *Id.*, Feb. 18 and March 13, 1853; March 20 and 30, April 13, Aug. 21 and 28, Sept. 1 and 27, 1854; and Dec. 11, 1856; *S. F. Bulletin*, Dec. 1855; *Proceed. Colored Citizens' 2d Ann. Convention; Sac. Union*, Dec. 10, 1856; *Sac. Union*, Dec. 30, 1856; *Chandler*, MS., 306–7; *Hayes' Los Angeles*, i. 519–27; *Gomez*, MS., 85–6; Stephen Barton, in *Visalia Delta*, Sept. 10, 1874.

said in his message, "I am constrained to believe the result of that vote does not invest you with the requisite authority." The manœuvring for a division of the state was a failure to secure in its favor a majority of all those voting at the election, as the law required, and those persons who had been induced in the expectation of a different result to bring into the southern counties young negroes, who could be held as minors, had now to return them to the slave states or let them go free. This episode of California history will be treated of separately in a future volume, and I hasten to the conclusion of the Broderick-Gwin contest.

Broderick returned to Washington filled with that bitterness which possesses a man when he feels himself treacherously or unfairly dealt with. It was not in his nature to admit himself beaten; and it was exceedingly painful to be baffled at the beginning of his senatorial career by the influence of men in his own party, and even by a man whom he had placed in power.

The first session of the thirty-fifth congress opened with the discussion of the Kansas question. Ever since the establishment of the territory, there had been a struggle between the slave-soil and free-soil inhabitants for the control of the future state. A free-state constitution was adopted by the people in 1855 in convention at Topeka. The general government, under the administration of President Pierce, dismissed the free-state governor and appointed one of pro-slavery views. Voters were imported from Missouri to elect pro-slavery legislatures. Free-state men were charged with treason and imprisoned, United States troops keeping guard over them. Another pro-slavery constitution was framed by a convention which met at Lecompton in 1857, under which admission to the union was demanded, and was being argued

in 1858. The condition of Kansas and the questions it involved were in all mouths in and out of congress.[54]

If there was a subject on which Broderick was more positive than another, it was on that of free labor. He was from the people of the laboring class, understood them, and was ever their ready champion. In the senate of the United States, Stephen A. Douglas stood alone for a free constitution for Kansas, fraud having been clearly shown in the elections of the pro-slavery legislatures with forcible measures and some bloodshed. Opposed to him was the strength of the senate and President Buchanan. Broderick immediately ranged himself on the popular sovereignty or Douglas side. In doing so he had two powerful motives, one to champion free labor and another to attack his enemies, including the president. Seward called him "the brave young senator."

Broderick was not an orator. Flourishes of rhetoric and graces of gesture were unpractised by him. But in his blunt way he made some hard hits; too hard, too rude and caustic, for his own personal good.[55]

[54] The question was finally settled by the people in an election held Aug. 4, 1858, when the slave state constitution was rejected by a vote of 11,300 against, and 1,788 in favor. *Barber, Hist. Western States*, 445.

[55] There are portions of Broderick's speeches on the admission of Kansas under the Lecompton constitution, which should not be lost to history, and I make here a few extracts: 'In the passage of this bill—the Kansas-Nebraska act of 1854, by which the Missouri compromise line of 36° 30′ was removed in the territories—the people of the north felt that a great wrong had been committed against their rights. This was a mistaken view; the north should have rejoiced, and applauded the senator from Ill. for accepting Mr Dixon's amendment. The south should have mourned the removal of that barrier, the removal of which will let in upon her feeble and decaying institutions millions of free laborers. In the passage of the Kansas-Nebraska bill, the rampart that protected slavery in the southern territories was broken down. Northern opinions, northern ideas, and northern institutions were invited to the contest for the possession of these territories. How foolish for the south to hope to contend with success in such an encounter! Slavery is old, decrepit, and consumptive; freedom is young, strong, and vigorous. One is naturally stationary, and loves ease; the other is migratory and enterprising. There are 6,000,000 of people interested in the extension of slavery. There are 20,000,000 of freemen to contend for these territories, out of which to carve for themselves homes where labor is honorable. Up to the time of the passage of the Kansas-Nebraska act, a large majority of the people of the north did not question the right of the south to control the destinies of the territories south of the Missouri line. The people of the north should have welcomed the passage of the Kansas-Nebraska act. I am astonished that republicans should call for a restoration of the Missouri compromise. With

He denounced the president for his attitude toward Kansas, and his encouragement to the Lecomptonites. Speaking of the troubles in Kansas, "I regret," said he, "that I am compelled to differ with him on this question; but, sir, I intend to hold him responsible for it [the condition of Kansas]. I do not intend, because I am a member of the democratic party, to permit the president of the United States, who was elected by that party, to create civil war in Kansas.

the terrible odds that are against her, the south should not have repealed it, if she desired to retain her rights in the territories. Has it never occurred to southern gentlemen that millions of laboring freemen are born yearly who demand subsistence, and will have it? that as the marts of labor become crowded they will crowd into the territories and take possession of them? The senator from South Carolina [Hammond] undervalues the strength and intelligence of these men when he denounces them as slaves. Would a dissolution of the union give these southern territories to slavery? No, sir. It is a mistake to suppose it would. A dissolution of the union would not lessen the amount of immigration, or the number of free white men seeking for homes and a market for their labor. Wherever there is land for settlement they will rush in and occupy it, and the compulsory labor of slaves will have to give way before the intelligent labor of freemen. Had the Missouri line been retained, the northern laborer would not have sought to go south of it. But this line having been abolished by the south, no complaint can be made if the north avails herself of the concession. Senators had better consider before they talk of dissolution, and first understand if the perpetuity of their beloved institution will be more securely guaranteed by it. The question of dissolution is not discussed by the people of California. I am not at liberty to say if the people I in part represent are denied by congress the legislation they require, they will consider it a blessing to remain a part of this confederation. The senator from South Carolina very boastingly told us a few days since how much cotton the south exported, and that cotton was king. He did not tell us that the price of cotton fluctuated, and that the south was at the mercy of the manufacturers. Suppose, sir, the 16 free states of the union should see fit to enact a high protective tariff, for the purpose of giving employment to free labor, would cotton be king then? Why, sir, the single free state of California exports the product for which cotton is raised to an amount of more than one half in value of the whole exports of the cotton of the slave states. Cotton king! No, sir. Gold is king. I represent a state, sir, where labor is honorable; where the judge has left his bench, the lawyer and doctor their offices, and the clergyman his pulpit, for the purpose of delving in the earth; where no station is so high and no position so great that its occupant is not proud to boast that he has labored with his own hands. There is no state in the union, no place on earth, where labor is so honored and so well rewarded; no time and place since the Almighty doomed the sons of Adam to toil, where the curse, if it be a curse, rests so lightly as now on the people of California. Many senators have complained of the senator from South Carolina for his denunciation of the laborers of the north as white slaves, and the mudsills of society. I am glad, sir, that the senator has spoken thus. It may have the effect of arousing in the working men that spirit which has been lying dormant for centuries. It may also have the effect of arousing the 200,000 men with pure white skins in South Carolina who are now degraded and despised by 30,000 aristocratic slaves-holders.' *Cong. Globe*, 1857-8, *App.* 191-3; *Hayes' Coll., Cal. Pol.*, ii. 1, 2.

The only thing that has astonished me in this whole matter is the forbearance of the people of Kansas. If they had taken the delegates to the Lecompton convention and flogged them, or cut off their ears and driven them out of the country, I would have applauded them for the act." Referring to the frauds by which the Lecompton constitution had been forced upon the people of Kansas, he went further in denunciation of the president. "Will not the world," said he, "believe he instigated the commission of those frauds, as he gives strength to those who committed them? This portion of my subject is painful for me to refer to. I wish, sir, for the honor of my country, the story of these frauds could be blotted from existence. I hope, in mercy, sir, to the boasted intelligence of this age, the historian, when writing a history of these times, will ascribe this attempt of the executive to force this constitution upon an unwilling people, to the fading intellect, the petulant passion, and trembling dotage of an old man on the verge of the grave."

The legislature elected in 1858[56] was strongly

[56] Owing to the neglect of the sec. of the senate to give the full names and districts of numbers for 1859, the list will appear here imperfect. The following are the senators, as appears from the journals: James Anderson, Isaac Allen, J. Berry, J. H. Baker, B. T. Bradley, S. A. Ballou, J. C. Burch, G. W. Dent, W. B. Dickinson, A. St. C. Denver, G. A. Grant, E. Garter, D. S. Gregory, H. Griffith, A. S. Hart, S. F. Hamm, W. Holden, L. N. Ketcham, M. Kirkpatrick, C. T. Lansing, J. M. McDonald, S. A. Merritt, J. O'Farrell, R. Pacheco, W H. Parks, S. H. Parker, T. G. Phelps, J. Price, I. N. Quinn, R. A. Redman, C. E. Thom, I. S. Titus, E. D. Wheeler, C. H. S. Williams. Prest, J. Walkup; prest pro tem., W. B. Dickinson; sec., E. C. Palmer; asst sec., John T. Pennington; enrolling clerk, John C. Reid; engrossing clerk, Wm S. Letcher; sergt-at-arms, James W. Hawkins; asst sergt-at-arms, G. P. Saunders.

The assembly consisted of Wm P. Rodgers, Alameda; W. W. Cope, John A. Eagon, Amador; James Burdick, C. W. Lightner, Charles E. Mount, Calaveras; H. W Dunlap, Colusa and Tehama; Benjamin S. Hines, Contra Costa; H. C. Sloss, J. S. Tipton, William Coleman, Ogden Squires, George M. Condee, George N. Douglass, Alfred Briggs, George A. Douglas, El Dorado; James M. Roane, Fresno, Tulare, and Buena Vista; Manuel Torres, Marin; Andrew J. Gregory, George H. Crenshaw, Mariposa and Merced; Mariano Malorin, Monterey; Wm B. Matthews, Napa; Wm R. Armstrong, John Caldwell, Christopher Cohalon, Philip Moore, George A. Young, Nevada; Wm P. Barclay, Philip Lynch, Wm C. Stratton, W. P. Wing, Placer; R. B. Ellis, James E. Sheridan, Charles Duncombe, A. R. Jackson, Sac.; G. N. Whitman, San Bernardino; A. S. Ensworth, San Diego; G. C. Holman, Thomas Lospeyre, San Joaquin; Walter Murray, San Luis Obispo; David W.

Lecompton as to the federal administration, and Gwin and chivalry as to California. It passed resolutions when it met in 1859, condemning Broderick as not obeying the instructions of the legislature which elected him, and characterizing his remarks in the senate, touching the president, as a disgrace to the nation, and humiliating to the people. It was a pity, seeing the truth contained in them, that the tongue had never learned the subtle niceties of speech by which an insult becomes unanswerable by the victim, and innocence to the speaker; for thereby he would have made his enemies fear, whereas they now only censured, harassed, and plotted against him. From the day when he uttered his fearless invective, he was a marked man; a man devoted to evil doom.[57]

In 1859 there was another gubernatorial election in California, and Broderick returned to organize the anti-Lecompton wing of the democratic party in his state. He was accompanied by Congressman McKibben, also a Douglas democrat; Scott, his colleague, being an administration man. Both factions had their candidates in the field, and the republicans theirs. Before election, however, the Broderick wing had fused with the republicans on McKibben for con-

Connelly, San Mateo; Eugene Lies, Sta Bárbara; James Springer, E. C. Tully, Sta Clara; Charles R. Street, Shasta; Josiah Lefever, Sierra; Nathan Cutler, Solano; John S. Robberson, Joseph B. Lamar, Sonoma and Mendocino; George W. Thomas, Stanislaus; C. L. N. Vaughn, Sutter; Fordyce Bates, Trinity; S. M. Buck, Wm Dow, Robert Howe, G. W. Whitney, Tuolumne; Harrison Gwinn, Yolo; Francis L. Aud, James L. Slingerland, Mortimer Fuller, John Whealdon, Charles E. De Long, Yuba; Philip P. Caine, F. E. Cannon, Butte; T. B. Shannon, Plumas: James A. Banks, John W. Cherry, Albert A. Hill, Louis R. Lull, William W. Shepard, S. F.; Wm F. Watkins, Siskiyou. Speaker, Wm C. Stratton; chief clerk, Caleb Gilman; asst clerk, Richard R. McGill; enrolling clerk, Henry C. Kibbe; engrossing clerk, W. Casey; sergt-at-arms, James Moore; asst sergt-at-arms, Julius Shultz.

[57] Wilkes relates that when Broderick was in New York, before sailing for Cal. in 1859, and while they were in conversation in the bar-room of the Jones house, at a late hour, two southerners, Paul K. Leeds of N. O. and Richard Renshaw of S. C., interrupted Broderick with insulting sounds, and that when this was repeated, Broderick sprang upon them, and caned them both severely. He was afterward troubled about the affair, and labored to keep it out of the newspapers. It was his opinion that a plot was laid to bring on a duel. Crosby, *Early Events*, MS., 66–7, expresses the same opinion.

gress, and by this combination John Currey was nominated for governor. For lieutenant-governor the choice fell on John Conness; second congressman Samuel A. Booker; supreme court judge, Royal T. Sprague; attorney-general, Edmund Randolph.

By the republican party itself Leland Stanford was nominated for the governorship. The choice was a strong one, the strongest beyond a doubt that could possibly have been made. At a time when for a man to declare himself a republican was to take his life into his own hands, he had come boldly forward as the champion of that party, of which he was now the leader, as he had been one of the founders, and to no other man was it so deeply indebted, while weathering the storms of this troublous period. By his strength of will, his continuity of purpose, his originality of thought, his large and liberal views, and above all by his rare administrative faculty, he was admirably fitted for the executive office at this crisis in the history of state and nation. But this was not to be; the victory declared for the Lecomptonites, and the final triumph of the republicans was for the time postponed.[58] The remaining candidates were Kennedy for lieutenant-governor; O. L. Shafter,supreme court judge, and McKibben and G. D. Baker for congress-men.

The Lecomptonites nominated Latham for governor; John G. Downey for lieutenant-governor; W. W. Cope, supreme court judge; Thomas H. Williams, attorney-general, and for congressmen, John C. Burch and Charles L. Scott. Gwin had returned to California, and the campaign opened with such acrimonious onslaughts as soon betrayed the intention of the Lecomptonites to provoke a resort to the code of the duello.

Said a prominent journal: "Their organs do not

[58] For further mention of Mr Stanford as governor, U. S. senator, and president of the Cent. Pac. railroad, see vol. vii. pp. 431, 544, 555–6, passim. The section on routes and transportation in my *Chronicles of the Builders of the Commonwealth* will contain a complete history of his life, including a full description of his political and railroad career, and of the Leland Stanford junior university, founded at Palo Alto in memory of his son.

disguise the wish to force Broderick into a private encounter. We have had dissertations on the code, on the characteristics of chivalry, on what constitutes an affront, and how far personal responsibility may or may not be evaded. These imputations upon the personal courage and honor of Broderick have been carried on since the Perley affair, and seem fully to corroborate his view of that matter, and that it was arranged by his enemies to provoke a hostile collision."

A Lecompton journal said: "Irritated by the manner and substance of Broderick's remarks about him at different points in the state, Senator Gwin, at Forest Hill, ridiculed Broderick most mercilessly, and spoke of him contemptuously, and somewhat offensively, without being absolutely insulting in his language. Broderick about the same time, in another portion of the state, told all he knew about the famous senatorial contest of 1857; and notwithstanding previous contrary insinuations, exculpated Gwin from any serious accusation in the premises. The speech at Forest Hill was delivered before he learned the purport of Broderick's revelations at Nevada. Perhaps, had these revelations reached him earlier, his offensive remarks at Forest Hill would not have been uttered. These remarks were made under the impression resting upon Gwin's mind that Broderick designed being personally abusive toward him in his speech at Nevada. It turned out that Broderick was not so."[59]

The Perley affair, alluded to in the first of the above quotations, occurred on the 29th of June. David S. Terry, who had, in vigilance committee times, been sustained by Broderick against the wrath of the people, but who now was a devoted follower of Gwin, and consequently a foe to Gwin's rival, said in convention that Broderick's professed following of Douglas meant, not Stephen A. Douglas, the statesman, but Frederick Douglass, the mulatto. This, in the days of slavery, and coming from a pro-slavery man, was an insult.

[59] *S. F. National*, in *Hayes' Coll., Cal. Pol.*, ii. 53

Broderick read the speech at the breakfast-table of the International Hotel, and as he was without doubt expected to do, uttered a remark expressive of his irritation. He said he had upheld Terry as the only honest man upon the bench, but he now took back his former opinion, or words to that effect. At the same table sat D. W. Perley,[60] a friend of Terry, whose ears were open to catch Broderick's comments on Terry's speech, uttered sotto voce though they were.

There was hardly ground for a deadly encounter between Perley and Broderick in the remark, but Perley sent a challenge, which Broderick declined, on the ground that Perley was a British subject whose political rights would not be affected by duelling, and also that he was not entitled to have his challenge accepted on account of his inferiority of position. "If I were to accept your challenge," said he, "there are probably many gentlemen who would seek similar opportunities for hostile meetings, for the purpose of accomplishing a political object, or to obtain public notoriety. I cannot afford, at the present time, to descend to a violation of the constitution and the state laws to subserve either their or your purposes." In the same note he intimated that when the campaign was over he would not refuse to fight. This language soon becoming known throughout the state gave intenser meaning to the utterances on all sides. In one of his speeches, Broderick said: "I have given my reasons for not meeting Mr Perley; and I state to you that he had no more expectation of a quarrel with me than I have of killing you all to-night. He was put forward by designing men who desired to get rid of me. The prompting parties themselves had no desire to engage in the affair, so they sent this little wretch to insult me, and if possible, involve me in a difficulty."

[60] Perley was a lawyer of Stockton in 1850, but removed to S. F. He came from New Brunswick, and did not enjoy a high reputation in the community. His attachment to Terry probably came from the circumstance that Terry had acted as his second in a duel in 1850.

The taunting style of attack and defence assumed by the Lecomptonites stung Broderick to the depths of his silent and gloomy soul; and whatever thoughts he had entertained of preserving a dignified course, and conducting the campaign on important issues, were dissipated. At Weaverville he said, July 28th, in reply to insinuations that he did not hold himself responsible for what he uttered: "If I have insulted Dr Gwin sufficiently to induce him to go about the state and make a blackguard of himself, he should seek the remedy left every gentleman who feels offended." This was the very state of mind to which it was sought to bring him.

Meanwhile the contest raged fiercely. Gwin had taken great credit to himself for his advocacy of the Pacific Railroad bill in congress, and the people of California had been grateful to him for it. His bill introduced in 1852 was for aid in constructing a railroad and telegraph line from the Pacific to the Atlantic ocean, starting from the bay of San Francisco, passing around it, striking the foothills near Stockton, running down the coast to Walker's Pass, across the Sierra Nevada, and east to Albuquerque in New Mexico, having branches thence to St Louis, Dubuque, Memphis, and New Orleans, and providing for a branch to Oregon, on the Pacific end. The history of this undertaking will be presented in its proper place. I give this outline here to show the direction of Gwin's thoughts, as well as of the proposed railroad.

In December 1855, Senator Weller gave notice of a bill to authorize the postmaster-general to contract for the transportation of the United States mails, in four-horse coaches, tri-weekly, from St Louis to San Francisco. The act was not passed until March 3, 1857, nor was the line put in operation until 1858, when another act gave the contractors a choice of routes. About the same time a mail line was established from Placerville to Salt Lake, connecting with

the mail from Salt Lake to St Joseph. The contractors, under the act of March 3, 1857, chose the route from Memphis and St Louis, by El Paso, the mouth of the Gila, and San Diego, to San Francisco. The postmaster-general resided in Memphis, a very cogent reason for the choice of this distinctly southern route, which by a long and circuitous line reached the populous counties of California from the extreme south-east corner of the state, three times a week, at a cost of $600,000 a year. It was shown by Broderick, and some of the western senators, that the route from St Joseph to Placerville was shorter, cheaper, and more convenient than the southern route, and it was asked that the time on the Salt Lake route be shortened eight days by an increase of compensation to the contractors to enable them to put more stock upon the road, and a resolution to that effect was finally passed in June 1858. In the discussion, which became rather warm, Gwin spoke favorably of the Salt Lake route, acknowledging it to be better than the southern one, saying that he "expected to see it run in twenty days."[61]

In the campaign, however, Gwin attacked Broderick for proposing the removal of the mail line from the southern to the central route, representing his action to be governed by sectional prejudice, making much capital thereby, while lauding himself with little enough modesty for his exertions in behalf of a railroad, declaring he did not favor one route above another. Gwin stigmatized Broderick as disgraced by his refusal to obey the instructions of the legislature of 1858, directing him to vote for the admission of Kansas under the Lecompton constitution, asserting that he had been read out of the democratic party for his action. Broderick replied that it was true that Douglas, Stuart of Michigan, and himself had been excluded from democratic caucus for refusing to sup-

[61] *Hittell, Hist. S. F.*, 306-7; *Gwin, Memoirs*, MS., 85; *Hist. Nevada*, this series, pp. 228-9; *Cong. Globe*, 1857-58, pt iii., p. 3,002.

port the president's policy with regard to Kansas; but that during the last days of the last session he had been invited and urged to attend the caucus, by such distinguished southern senators as Toombs of Georgia and Davis of Mississippi.

Broderick was no orator, as I have said; he was made for action; but he had nerved himself, albeit he was suffering from a prostrating bodily ailment, to speak in this campaign. He ridiculed Gwin's long written speeches with which he read every one out of the senate, "except Doolittle of Wisconsin and himself," and spoke off-hand to large audiences. He called attention to the attempted Lime Point swindle, declared Gwin opposed to the homestead bill, and agricultural and mechanical college bill,[62] and that he was a paid agent of the Pacific Mail Steamship Company. No very clear defence was ever set up against these charges; but true or false, they were savage weapons wielded by the strong, relentless hand of Broderick.

It was the senatorial bargain, however, which most severely cut Gwin. So far as Broderick was concerned, the bargain had been treated confidentially for two years. He had even denied its existence and exoner-

[62] Gwin, in his *Memoris*, MS., fearlessly praises himself for his advocacy of these bills. He certainly had a way of seeming to do whatever Cal. desired until Broderick began to expose his methods. The south was opposed to granting the public lands for any purpose, as I have mentioned. Gwin, being instructed to vote for the homestead and agric.-college bills, made a pretence of giving them his aid, while his action was really not friendly. For instance, look at this amendment to the agricultural-college bill: 'That there be granted to the several states and territories, for the purpose hereinafter mentioned, 5,920,000 acres of land, to be apportioned in the compound ratio of the geographical area and representation of said states and territories in the senate and house of representatives; provided, that said apportionment shall be made after first allotting to each state and territory 50,000 acres; and provided further, that the state of Cal. may locate her portion of the said lands upon any of the unappropriated lands in that state other than mineral lands, and not then occupied by actual settlers.' *Gwin. Memoirs*, MS., 148. The temper of the south was not such as to allow this liberal disposition of the public lands, with the apportionment proviso besides. Broderick described Gwin's manner toward the homestead bill, saying he sat quietly tapping the floor with his foot in approval of the remarks of southern senators against it, but that after it was killed he voted for it. It is certain Gwin said nothing in the debates on the bill. See *Cong. Globe*, 1857-58, index.

ated Gwin, until Gwin's treatment of him in the campaign incited him to anger, and caused him to tell the whole humiliating story in a manner to make it most humiliating, reading the contract letter from the stand, with sarcastic comments. The Lecompton newspapers and speakers pointed out the contradiction simply as wilful falsifying without motive, to the great disadvantage of Broderick. This was a matter in which Latham also was involved, giving damaging accounts of Broderick's treatment of him, without denying that he would have resigned the federal patronage to the more experienced politician, except the three chief offices. In this notable campaign, in short, the democratic leaders, or a majority of them, were at enmity with Broderick; the cause of that enmity being anti-Lecomptonism, veiled under the flimsy pretext that it was a personal quarrel between the two senators.

In his speeches Broderick was provoked into mention of a matter, which from its suggestiveness, probably, as well as because he had lost a friend, lay near his heart. This was the killing of State Senator William I. Ferguson, in a duel, by George Pen Johnston, on the 21st of September, 1858. Ferguson had joined the knownothing party in 1855, but had gone back to the democracy in 1856. When the rupture occurred between Douglas and Buchanan, on the Kansas question, Ferguson took the side of Douglas. Like Broderick, he thenceforth became a marked man in his party, and being on a visit to San Francisco, a quarrel with him was sought, a challenge sent by an experienced duellist, accepted by a man who knew nothing of fire-arms, or any other deadly weapons, and Ferguson, who had stood three shots, was mortally wounded at the fourth.

Broderick connected Ferguson's death with the Gwin-Broderick contract, and stated that he, Ferguson, was the person who arranged the bargain; charging that he had been murdered in cold blood, in order to

get rid of his testimony in the premises;[63] citing the breaking open of Ferguson's desk after his death, in the search after the original of the famous contract, but which had been confided to Estill before this event. The effect of these utterances, which the Lecompton press distorted to serve a purpose, was more damaging than helpful to Broderick. His friends, or at least those who were not his enemies, were puzzled by something seemingly contradictory in his speeches, and were led to doubt, while his foes triumphed in the unfavorable construction placed upon them.

The explanation of the whole mystery was exceedingly simple, and is contained in this frank avowal of Broderick at Napa, that he set out upon the canvass with the resolve to abstain from personal remarks; and that it was not until after Gwin had ridiculed him at Nevada and Forest Hill, and said that he dared not present himself before the people, that he was roused to tell what he knew. Since that time he had said that Gwin was "dripping with corruption," and had given proofs of the statement. Had Broderick made the first attack, although his chance of escaping the toils would have not been lessened, the charge of prevarication could not have been brought against him. In his desire to have the campaign not a personal one, he placed himself still further in the power of his enemies.

The election occurred on the 7th of September, and

[63] *Sac. Democratic Standard*, Aug. 1, 1859. The *Standaad* commented upon this statement, that Broderick had declared unequivocally that the matter was arranged between himself and Gwin. In regard to that, there must have been a first mediator. If not Ferguson, no one has ever told who he was. Broderick's was not the only voice to condemn the killing of Ferguson as a political murder. It was notorious. E. D. Baker, who pronounced his funeral oration, more than hinted at it. 'If I were, under any circumstances, an advocate for a duel, it should be at least a fair, equal, and honorable duel,' said Baker; and under the circumstances it was enough. Rev. Benton, in a discourse on the death of Ferguson, said: 'This duel grew primarily out of a political difference and discussion in the midst of a social scene. It is only the latest and not the first duel fought in our state that has had a similar origin, and a political significance. If I am not mistaken, political reasons were at the bottom of the duels between Denver and Gilbert, Broderick and Smith, Gwin and McCorkle, Washington and Washburn—others, also, it may be—and finally Johnston and Ferguson.'

the chivalry were triumphant. On the following day Terry resigned his seat on the supreme bench, which he had occupied for four years,[64] to violate the constitution and laws he expounded, and was sworn to obey, by challenging to mortal combat Broderick, United States senator. The provocation was the utterance of an unfriendly sentiment three months before, under the exasperation of injurious remarks by Terry in open convention. To remove all the objections made to fighting Perley, a social equal, and a day after the close of the campaign, were selected.

It is true that Broderick, or that any man, could have declined a duel on legal and moral grounds. But to have done so would have subjected Broderick to the sneers of his enemies, and to the contempt of some of his political friends, who were anxious that he should show an unterrified front to the foe. They had great confidence in his skill with the pistol, this being a part of his education acquired after coming to California, in order to place himself on a social level with the duelling southrons; and he himself is said to have replied to one who feared for him, "Never fear; I can shoot twice to Terry once."

But he was not a duellist at heart, and moreover did not wish to kill Terry. If he had that kind of enmity against any man, it was toward Gwin. Therefore he hesitated about his reply to the challenge, which made his officious seconds only the more eager to have him fight. Said the *Bulletin:* "It appeared to be a common belief among those who recognize the code, that he had to fight them all. Perhaps not in detail, perhaps not one after another, but when he presented his breast to the pistol of Terry, it would seem that he braved the whole concentrated hate of those who felt aggrieved by his attacks. Few believed that if he had escaped that issue he would have been left unmolested by others. Such appear to have been his own

[64] Terry had been defeated in the nominations in convention, and had but a few weeks to serve, therefore his sacrifice was immaterial to him.

dying convictions; and although he was conscious of the feeling of his adversaries, he seems to have succumbed under the belief at last that, in his own person, either by Terry or some one else, he was to be made a sacrifice." What wonder that he hesitated about his answer.

However, destiny and the duel were allowed to have their way. A meeting was arranged to take place in San Mateo county, ten miles from San Francisco. Broderick's seconds were Ex-congressman McKibben and David D. Colton, of Siskiyou county. Terry's were Calhoun Benham and Thomas Hayes. The first meeting on the 12th was interrupted by the officers of the law; but on the following morning the parties again met and proceeded to the final act. Every care was apparently taken to place the combatants on an equality, except as to choice of position, which was Broderick's, as were also the terms. His seconds had stipulated that there should be no more firing after the giving of the word "one—two." Two circumstances were against Broderick. First, he was ill and weak, and consequently nervous; second, his pistol was quicker on the trigger than Terry's. When the word was given, before it reached a level, it was discharged, and the ball struck the earth in a direct line with, but some distance from, his antagonist, who stood cool and firm—so cool that he noted exactly where his ball struck his adversary's breast. In a moment more Broderick sank to the ground, mortally wounded, and Terry went to breakfast with his friends.[65] The vic-

[65] It was said that Broderick was nervous, but all his actions, his compressed lips, and rigid muscles showed that his nervousness was not the result of fear, but of intense resolution. Terry, meanwhile, stood erect, without a wink or a motion, like a man who made human slaughter a profession. As the seconds stepped back and Colton gave the word, the principals raised their pistols, which they held pointed to the ground. On the rise, Broderick's weapon went off, the ball striking the ground a few feet short of his opponent. The next instant, Terry, who had fully raised his weapon, discharged it and exclaimed: 'The shot is not mortal, I have struck two inches to the right.' Broderick suddenly turned a few inches, and was seen to brace himself for a moment, then gradually lowered himself down to a reclining position on the ground, and then fell over at full length. He did not speak a word during this time. While Broderick thus fell, still clasping his pistol, Terry stood

tim was conveyed to the house of Leonidas Haskell, at Black Point, where after lingering three days, he expired on the 16th, having said but little after the first few hours, and that little chiefly the incoherent mutterings of a semi-consciousness. Among his broken sentences were these: "When I was struck, I tried to stand firm, but the blow blinded me and I could not," to Colonel Baker. To others he said: "They killed me because I was opposed to the extension of slavery, and a corrupt administration." How soon the significance of these words became apparent!

What a strange thing is the public—stupid and stolid, or wild with unreasoning rage! For months it had been known that Broderick would have to fight one or more duels. All the world looked on as at a play; wondering, hissing, applauding, but waiting excitedly for the catastrophe. When it came, had the heavens fallen the on-lookers could not have been more surprised apparently. What, Broderick killed! Oh, infamous! Show us the scoundrel who has defied the laws; who has murdered the purest man among us. Let him be punished! So the sheep bleated, leaving the destroyer with the mark of Cain upon his brow to go free. Everything connected with the murdered senator seemed a surprise. No sooner was Broderick dead than he was a lion.[66] The faults of his career

with arms folded till his seconds advanced, and with them he left the field unharmed. Broderick regretted the physical condition which had made him seem to falter. *S. F. Bulletin*, Sept. 19, 20, 1859. Now mark the impotence and baseness of the law in the hands of this great high-priest of the law. Terry was arrested, and admitted to bail in the sum of $10,000. The trial was put off, and in June 1860 he applied for a change of venue, on the ground that he could not have a fair and impartial trial in S. F., because of his course during the active existence of the vigilance committee. The change of venue was granted by Judge Hager, to Marin county. On the day set for trial, the witnesses, being becalmed on the bay, and not arriving promptly, the prosecuting attorney moved a nolle prosequi, and the farce was ended. *Tuthill, Hist. Cal.*, 567-8.

[66] Said the *Alta* of Sept. 24, 1859: 'The chase is done. The quarry is laid low, and the dogs have gone to kennel. David C. Broderick is no more! He was the hunted lion, and they who have forced him into the quarrel which made a sacrifice of his life were the hungry pack of jackals that now, from the dark corners to which they have retired, are contemplating their foul deed of murder. There is enough in this melancholy affair to call for the bitterest condemnation that the tongue can utter or the heart can feel.

were seen to be the results of his origin, his early orphanage, and his youthful associations; but the man himself stood revealed as one whom God had endowed with personal incorruptibility, a grave, earnest, honest, brave man, who in the midst of unparalleled corruption in his own party, kept his hands clean and his record straight. By his tragic death his errors were expiated, and all at once California recognized the truth that in the balance of power held by her "brave young senator" against the encroachments of slavery had lain her safety. By the hand of that power he lay dead, and Broderick in his grave was

There is enough to justify us in heaping maledictions upon the authors and aiders in this foul tragedy, but we will forbear.' The *Bulletin* of Sept. 16th said: 'Not for many years has the popular heart been so thoroughly moved as it was this morning when it became generally known that Mr Broderick had breathed his last. Since the early days of Cal. Mr Broderick has played a prominent part in her politics. His name was familiar to all. Rugged and positive as his character undoubtedly was, he possessed no half-way friends or foes. With the former he was almost worshipped; with the latter he was undoubtedly feared as well as hated—but at the same time respected. His friends and followers are stricken down by the blow that felled their leader and champion to the earth; while many of those who were his enemies while living, shocked by his untimely cutting off, express sincere sorrow and deep regret at his death. Thousands of others, who heretofore have not taken part for or against him, now see only his murdered and bleeding form, recall only his haughty contempt of danger, and mourn his loss as a public calamity of the heaviest import.' Baker, at his obsequies, said: 'Fellow-citizens, the man that lies before you was your senator. From the moment of his election, his character has been maligned, his motives attacked, his courage impeached, his patriotism assailed. It has been a system tending to but one end, and that end is here. And what was his crime? Review his history; consider his public acts; weigh his private character; and before the grave encloses him forever, judge between him and his enemies. As a man to be judged in his private character, who was his superior? It was his boast that—and amid the general license of a new country, it was a proud boast—that his most scrutinizing enemy could fix no single act of immorality upon him. Temperate, decorous, self-restrained, he passed through all the excitements of California unstained. No man could charge him with broken faith or violated trust. Of habits simple and inexpensive, he had no lust of gain. He overreached no man, he withheld from no man his just dues. Never, never, in the history of the state, has there been a citizen who has borne public relations more stainlessly in all these respects than he.' After speaking of his public life, the eulogist concluded: 'Of his last hours I have no heart to speak. He was the last of his race. There was no kindred hand to smooth his couch, or wipe the death-damps from his brow; but around that dying bed, strong men, the friends of early manhood, the devoted adherents of later life, bowed in irrepressible grief, and like the patriarchs of old, lifted up their voices and wept.' *S. F. Alta*, Sept. 21, 1859. For comments on Broderick's death, see *S. F. Bulletin*, Sept. 13, 14, 15, 17, 18, 19, 20, 21, 23, 1859, and March 8, 1860; *Saxon's Five Years*, etc., 15–18; *S. F. News*; *N. Y. Sunday Times*, in *Yreka Union*, Feb. 10, 1866; *Parkinson, Pen Portracts*, 52; *Cal. Jour. Sen.*, 1861, 826–7.

more a king than ever he could have hoped to be in life. His great, solemn, burning, aspiring soul went marching on as did John Brown's in December following, to a victory greater than even he had ever conceived; for the party which had warred on him so relentlessly, as the representative of freedom, was dead and damned in California forever and forever!

Wilson Flint, who had been opposed to him in politics, but who had his confidence, said: "He came back here to be a republican in 1860, because there was no other way to break down the pro-slavery party and save the union. He told me that it was not in the power of Mr Douglas, or all the democrats of the north, to resist the insidious tyranny of the federal administration under Mr Buchanan. If the democratic party succeeds to power this time, the union is gone. There is no resource but to defeat that party—to break it up. It has performed its mission; it must go to history."

The pro-slavery party, with its lynx eyes, saw this conviction in Broderick. They dreaded his organizing power, and so doomed him, as they doomed many another man afterward. Said Terry, in that speech which roused the resentment of Broderick, speaking of the anti-Lecompton party in California: "A miserable remnant of a faction, sailing under false colors, trying to obtain votes under false pretences. They have no distinction they are entitled to; they are the followers of one man, the personal chattels of a single individual, whom they are ashamed of. They belong, heart and soul, body and breeches, to David C. Broderick. They are yet ashamed to acknowledge their master, and are calling themselves, forsooth, Douglas democrats. . . . Perhaps I am mistaken in denying their right to claim Douglas as their leader. Perhaps they do sail under the flag of Douglas, but it is the banner of the black Douglas, whose name is Frederick, not Stephen." These utterances show conclusively the

reason of the hate which pursued Broderick. But everything was altered by the pistol of Terry.

Broderick's obsequies were the most imposing that had yet been seen in San Francisco. The eloquent Baker delivered an oration filled with pathos and eulogy, and few were found, if their hearts did not respond, bold enough to utter opposing sentiments. The conscience of the people had been galvanized into life, and from their threatening frown political assassination shrank abashed. When the news reached New York the funeral solemnities were repeated there, the procession being two miles in length which followed the catafalque drawn by eight gray horses caparisoned in rich black velvet. The oration was pronounced by John W. Dwinelle, who referred to the fact that Broderick's friends had advised him to spend his vacation in Europe, thus: "A less brave or less conscientious politician would have evaded the struggle of the coming election in California, in which he could have hardly hoped to succeed. Not so with Broderick. He not only renounced the cherished pleasure of his life, but accepted the alternative, although he clearly saw defeat in the issue, and death in the vanishing point of the vista. . . . Against all the weapons that would surely seek his life, he could not even hope to stand; it was even almost hoping against hope to expect that he could defer the personal sacrifice until after the political contest had been terminated. . . . 'You will see me no more,' was his mournful prediction to a friend who grasped his hand for the last time on the departing steamer. Alas, how his heart was wrung to utter those words of hopeless farewell! So when the death-bolt reached him, and his mournful presentiment was fulfilled, how noble was the feeling which prompted him to suppress all personal resentment, and to express only the regret that the leadership of his party was struck down with him: 'Let my friends take courage by my example, and, if need be, die like me.

Let it not be believed that my death resulted from a few idle words, or from anything but my political position.'" He said in the senate: "When I come here next winter, if I should live so long and not resign in the mean time"—showing how his sensitive mind dwelt upon the "insidious tyranny" of the administration.

Said John W. Forney, in 1879, reviewing Broderick's life, the Kansas question, and Douglas: "They stood alone; and although there were more opposing votes among the democrats in the house, the south persevered in their policy till the democrats were routed, horse, foot, and dragoons, in the elections; till they lost the presidency, and both houses of congress; till secession ripened into war, and war ended in defeat and the burial of slavery. But Broderick was saved the saddest sequel. He went to his final compt before his full ostracism and exclusion from the administration.... He worshipped freedom above all things, and I never saw him intolerant except when he doubted the integrity of those who refused to see the truth as he saw it, and he firmly believed that all men must be wicked themselves who could not or would not reject the wrong as he did."

Rumor immediately became rife with speculation concerning the appointment of a successor to Broderick's place in the senate. It was even whispered that Terry would get the commission. There could hardly have been so bold an indecency contemplated. The appointment must now be of a man on whom no suspicion could rest of enmity or intrigue toward the senator whose place he would take. Such a man was found in Henry P. Hann,[67] of Marysville, a pro-slavery democrat, but who had not been prominently before

[67] Henry P. Hann came to Cal. across the plains in 1849, and settled himself at Marysville, where he was soon after elected county judge. He died at the end of his first session in the senate, I believe at Jersey City. His widow returned to Cal. with their only surviving child, a daughter, Kate, later Mrs W. S. Dewey of S. F.

the state as an adherent of Gwin. Mr Hann made the usual announcement to the senate, on the 13th of February, of Broderick's death. The manner of it, he said, was engendered "by the use of unguarded expressions by the deceased, personal in their character toward another distinguished gentleman.' He intimated, of course, that on the dead rested the odium of the encounter. Otherwise, Senator Hann's remarks were kindly, even eulogistic. Douglas, who had prepared a eulogy, was prevented from delivering it by illness. Senators Crittenden, Seward, Foote, and Toombs made brief but friendly speeches. Said Toombs: "He conducted himself here, notwithstanding the many prejudices thrown around his name, which a partisan opposition had cast upon him,[68] in such a way as to win my respect and admiration. I trusted him as a faithful, honest, and fearless senator, who never hesitated in the performance of his duty." Seward placed him "among the organizers of our American states," with such men as Winthrop, Williams, Raleigh, Penn, and Oglethorpe, and imputed to him the honor, in a great degree, of shaping the free and loyal public sentiment of California.

Thus ended the senatorial contest between Gwin and Broderick. When Gwin[69] departed from the state to return to Washington, says O'Meara, "he had flouted in his face a large canvas frame, on which was

[68] In the House of Representatives Mr Burlingame said: 'I never knew a man who was so misunderstood—who differed so much from his common fame.' Morris of Ill. said: 'A truer man, a more distinguished patriot, a firmer hater of wrong and oppression, a more devoted and consistent friend, and purer public servant, never lived. No suspicion was ever whispered that corruption had tampered with him, that bribery's base coin had adhered to his fingers, or that he was in any way implicated in schemes of public plunder. Temperate, moral, simple, and frugal in his habits, and addicted to no vices, with all his aims his country's good, he trod life's path, not as society's spawn, but as one of nature's noblemen.' Sickles of N. Y. said: 'No man, I venture to say, lives who ever approached David C. Broderick as a legislator, or in any public or private capacity, with a corrupt or dishonest suggestion.' *Sac. Union*, March 19, 1860.

[69] Charles L. Scott, a native of Richmond, Va, a lawyer by profession, came to Cal. in 1849, and after trying his fortunes in the mines, resumed the practice of law. *Union Democrat*, in *Hayes' Coll., Pol.*, ii. 298.

painted a portrait of Mr Broderick, and this: 'It is the will of the people that the murderers of Broderick do not return again to California;' and below were also these words, attributed to Mr Broderick: 'They have killed me because I was opposed to the extension of slavery, and a corrupt administration.'"

Behold, now, the irony of church charity! The body must be cast out by the priests—his body, who had been the grandest, noblest of all their saintly society, the body of the man martyred for his high political morality, for principles which were soon to shake the nation to its very foundations, and become established by the shed blood of a million of its sons. Broderick, whose life had been a battle for the higher progress against a vile, iniquitous, but cherished relic of savagism, was denied burial in 'consecrated ground,' because he died on the 'field of honor.' His mortal remains now lie under a stately monument in Lone Mountain cemetery, erected by the grateful people of California.[70]

[70] A man who had much to do in forming loyal sentiment in San Joaquin county was David Jackson Staples. Staples was born in Medway, Mass., May 3, 1824, and was descended from early New England ancestors. He came to California in 1849, and settled on the Mokelumne river, where he purchased land, and engaged in farming and stock-raising. He was the first justice of the peace in his precinct, and the first postmaster. He used his influence to soften the hostility of his southern neighbors, as well as his courageous will to repel the tyranny of their leaders, and with great effect, considering the people he had to deal with in that county—'The South Carolina of California.' The first republican speech in the county was delivered on his premises. In 1852 he ran on the whig ticket for the legislature, and was beaten on account of anti-slavery sentiments. In 1860 he was elected as an unpledged delegate to the national convention at Chicago, and voted for Lincoln. Fremont selected him as his representative to decline for him the complimentary nomination, which it was understood he would there receive, and he executed his commission. On returning to California, he was solicited to run for joint senator for San Joaquin and Contra Costa counties, and came within 125 votes of an election, running 400 votes ahead of his ticket. Going to Washington to attend Lincoln's inauguration, he was there during the first days following the President's first call for troops, and was active in the defence of the capital at that critical time. On again returning to California he encountered the disasters by flood which ruined many less able to bear their losses, in 1861-2. This determined him to remove to San Francisco. He was appointed port-warden by Governor Stanford, which office he held until 1866, when he was displaced by Governor Low for political purposes. Soon after he became president of the Fireman's Fund Insurance company, which was saved from dissolution at the time of the great Chicago and Boston fires by his arduous and well-directed efforts. He was influential in giving a proper direction to the bequests of James Lick, who sought his advice.

CHAPTER XXV.

POPULAR TRIBUNALS.

1849-1856.

State of Society—Miners' Courts—Crimes and Punishments—Criminal Class—The Hounds—Berdue and Wildred—Organized Ruffianism—Committees of Vigilance—The Jenkins Affair—Villanous Law Courts—James Stuart—Political and Judicial Corruption—James King of William—His Assassination—Seizure, Trial, and Execution of Criminals—A Vacillating Governor—A Bloody-minded Judge—Attitude of United States Officials—Success of the San Francisco Vigilance Committee under Trying Circumstances—Disbandment.

In the abnormal state of early California society, marked by a singular variety of races, classes, and characteristics, the people almost exclusively intent on gold-harvesting, with little regard for the country or thought of home-building, less than ordinary attention was given to the public duties of a citizen by the mass of men on whom good government depends; so that the formal barriers to crime and corruption were either lacking or lamentably weak. The ever-shifting current of mining life prevented the creation of local authorities. Practical common sense was employed to reach direct results. Justice was not allowed to become subordinate to circumlocution or technicalities. A smattering of home precedents sufficed for forms; and for the settlements of disputes and the suppression of outrages the miners improvised courts, with judges and juries selected from among their own number, who rendered their verdict with promptness and equity. In the absence of prisons or permanent guards,

chastisement for crime ranged chiefly between whipping, banishment, and hanging. Stealthy inroads upon property ranked here as a more punishable offence than personal violence; for property was unprotected, while men, for the most part well armed, were supposed to be able to take care of themselves; and so meanness became a greater crime than murder. They were a self-reliant class, these diggers; of rough, shaggy appearance, bristling with small-arms at the belt, yet warm-hearted; with mobile passions and racy, pungent language; yet withal generous and gentle. Cast adrift on the sea of adventure in motley companionship, each man held life in his own hand, prepared for storm or shoal, and confident in finding means and remedies when needed.

This element permeated also the large fixed settlements; but here the people, with some reverence for established law and authorities, generally abstained from interfering in the administration. Congregating largely in these centres of population were the idle and vicious, who took advantage of the preoccupation of the industrial classes for gaining control of power, which was then used as a shield for nefarious operations against the community, by officials in the diversion of public property and traffic in justice and privileges, and by ruffians and criminals, singly or in bands, in more or less glaring raids on life and property. Thus two strong factions were preying upon society, assisted by such delectable elements as Sydney convicts, who had been allowed to take their departure from England's penal settlement. As allies, tools, or clients of the officials, the others could generally rely on their efficient coöperation for eluding punishment. If arrested, there were always at hand tricky advocates to distort law and protract trials till witnesses had been spirited away or bought; finally, compliant judges and packed juries could be counted upon for acquittal or nominal punishment, the latter to be quickly nullified by additional bribery.

The rising of San Francisco in 1849 against the Hounds, in vindication of justice, had served only as a momentary check on crime, which with growing opportunity increased apace. At last, on February 19, 1851, the long-smothered indignation was kindled into a flame by the robbery and maltreatment of a prominent merchant. Excited throngs gathered within the city, with its tribunal and jail, wherein lay two persons just arrested on suspicion. The persuasive appeals of the officials were drowned in jeers, and violence was feared from the mob. Then some respected men stepped forward with a propitiatory suggestion to organize a court of citizens for trying the prisoners. This was acted upon, but so conflicting proved the testimony concerning the identity and guilt of the accused, that the improvised and perplexed tribunal surrendered them to the regular judges, despite the sullen growl of the masses.[1]

This partial discomfiture of popular justice served to dampen the ebullition of the masses, and crime emboldened swelled both in spirit and extent. The rising had not been fruitless, however. The merchants formed a patrol, and began to agitate the question of a popular tribunal for the punishment of crime in general. This took shape on the 9th of June, when the Committee of Vigilance was organized under the fiery, coarse-grained, and erratic yet resolute and influential Sam Brannan, as president of the executive committee, or directing council and court. Subject to this was the general committee, embracing every respectable citizen who chose to join and act as guard and detective, reporting all suspicious characters and occurrences to headquarters. In grave cases certain taps on the fire bells should be the signal for a general

[1] The merchant robbed was C. J. Jansen, and the two persons charged with the robbery were Burdue and Wildred. Under the pressure of popular anger the regular judges condemned them to imprisonment. Wildred made his escape; the other, after further trials elsewhere, and narrow escape from being hanged, was proved an innocent man. Full account of the affair is given in my *Popular Tribunals*, i. 170 et seq.

assembling, to take action as determined by the executive.[2]

The efficiency of the body was to be tested on the day following its organization, when the significant bell taps summoned the members to try a notorious robber just captured. A few hours later the same bell sounded the death-knell of the man, as he was hanged from the veranda of the old City Hotel.[3] Roused by this action, and smarting under recent cruel incendiarisms, the people manifested their approval in public meetings, and rallied round the vigilance committee till the enrolment number reached 716, one fifth of which force figured constantly on guard, police, or committee duty. Soon afterward the association marked its career by the execution of three more prominent members of the Sydney brood.[4]

All this was effected not without show of opposition, and dissent even from respectable quarters, from men whose reverence for legal authority had been stamped into their characters since early youth. Officials, lawyers, and all that class depending on the patronage of criminals objected to this profanation of time-hon-

Concerning the originators and chief members of the body, the constitution and rules, quarters, district committees, and land and water police squads, some of them paid, I refer to the full history of the movement in my *Popular Tribunals*, i. 207 et seq. For convenience, secrecy, and safety, members were known by their enrolling number. Each contributed $5; further donations came from the more liberal members for rent, pay of a few constantly engaged men, and expenses of trials and deportation. Arrested persons were lodged in cells at the headquarters, in two large buildings on Battery st, between California and Pine; after a preliminary examination by a sub-committee, they were tried by the executive committee, and convicted only on evidence sufficient to convict before ordinary courts, yet with procedure weeded of all needless technicality and form. The verdict was submitted to the general committee for approval.

[3] John Jenkins, as he was called, had snatched a small safe from Virgin's shipping office on Long Wharf, and sought to escape with it in a boat. He was quickly overtaken and carried to the committee rooms. Being an old offender of the Sydney brood, he was quickly condemned and hanged at 2 A. M., June 11th, despite the efforts of the police and desperadoes to interfere. Details in *Id.*

[4] Jas Stuart, the real culprit of the Jansen outrage, was hanged July 11th, the committee forming in military array for the purpose. Flags were hoisted and guns fired by the ships in the harbor. The other two victims, Sam Whittaker and Rob. McKenzie, the former a knightly scoundrel, the smartest of the Sydney thieves, the latter a churlish coward, were captured by the police, but retaken from the prison and hanged.

ored tenets. The fact that the committee was so intimately connected with the money-making order, and displayed a dictatorial attitude toward mobs, and all species of lawlessness except their own, naturally commanded the confidence of the laboring class. On the other hand, all non-producers, especially southerners, whose chivalric ideas soared above common industrial pursuits to the realms of government and the learned professions, deemed it to their interest to oppose all popular justice. The law-and-order party, as these opponents termed themselves, had also recourse to public meetings and loud declamation, wherein they waved the tattered emblems of authority, and conjured up phantoms of bloody anarchy. The mayor was induced to issue a proclamation against the unlawful reformers; the grand jury condemned them; and the governor pronounced a warning against arbitrary acts, though tacitly approving of them.

Meanwhile the committee held bravely to its course, registering daily notices of crime and felons, searching for criminals, and taking testimony for the trial of prisoners, of whom more than half a dozen were at times awaiting their turn. The sentences now passed were either hanging or banishment.[5] Only four executions took place in San Francisco at this time, yet these four had greater effect than tenfold that number of legal death-dealings. More than fifty notorious criminals and suspected characters were condemned to banishment, most of them being sent back whence they came, chiefly to Sydney.[6] Bribery and distortion of evidence availed nothing before this inflexible tribunal, which startled the guilty with the

[5] Continued imprisonment could not have been enforced by a temporary body, although the lash might have proved effective. Passage money for exiles was provided by the committee unless the prisoner had means. Inquiries and appeals from all parts had to receive attention, although many were foreign to the committee's object. The right it claimed to enter private houses in search of evidence created some hostility.

[6] Some were examined on arrival at their destination, and not permitted to land.

swiftness and certainty of retribution. Moreover, the admonitions to evil-doers, and the watch kept over courts, so aroused public offices to zeal and alacrity as greatly to promote the reform in hand.

The committee's aim being thus accomplished in the main, it retired from active duty on September 9th, after three months' existence; yet in order to sustain the effect of his work, a committee was appointed for six months to continue the watch over the political and judicial administrations, and in case of need, to give the signal for a general meeting.[7]

The example of San Francisco was widely imitated throughout the state and beyond, partly because the criminal affliction in the interior had been increased by the exodus of fugitives from the metropolis. Owing to the absence of courts and jails throughout the country, summary justice became indispensable. By July vigilance committees had been formed in different places, and more were rapidly organizing after the model of the city by the gate, and associated with her in a measure for the exchange of criminal records and occasional coöperation. In the larger towns, such as Sacramento, Stockton, Marysville, Sonora, San José, and Los Angeles, were standing associations of the best citizens, as complex and effective as the prototype, although less extensive. In the smaller towns and in the mining camps, committees organized only for the particular occasions demanding them, usually to try some desperado just caught. With less facility for effectual banishment, they inclined to the severer penalties of lash and noose, with corresponding effect.[8]

[7] In March 1852 the general committee did once more meet to intimidate the emboldened criminals. In June the records of their meetings ceased. Yet during the winter 1852-3 they issued offers of reward for the arrest of incendiaries. *Pop. Trib.*, ii. 394 et seq.

[8] It was proposed to unite the committees into one, centring in San Francisco, and several country associations offered themselves as branches; but the original body declined to assume the responsibility that might arise from inevitable excesses beyond its control. It expatriated, however, many criminals sent in from the country. The Sacramento committee, created June 25, 1851, numbered 213 members at its first meeting, and stirred the courts to

The sweeping purification of 1851 served long to restrain many evils, but as watchfulness relaxed they sprang up again, changed somewhat in their nature, however, from the former predominant outrages on property and life, to the less glaring phases of political corruption. It was deemed safer and more profitable to steal from the public, under cover of law, than to rouse the outcry that must result from individual spoliation. Thus, at a time when commercial prosperity was on the decline, taxes were increased to four per cent to furnish dissolute and scheming officials with money, even the funds not embezzled being diverted into channels most conducive to sustaining them in authority. And to this end public positions, requiring able and trusted men, were distributed among the subservient tools of domineering bullies, knaves, and ruffians, who manipulated the ballot, and reduced judicial investigation to a farce.

An ominous frown of discontent had for some time been gathering on the public brow, when on May 14, 1856, the community was startled by the predetermined assassination of James King of William, editor of the *Evening Bulletin*, a man of fearless nature, who had assumed the task of exposing roguery and promoting administrative reform. The murderer, James Casey, also an editor, was a noted politician, whose

greater zeal. On Aug. 22d it hanged a reprieved robber. As the centre of a district overrun by horse-thieves, and entrepôt for the southern mines, Stockton suffered greatly, and on June 13th a citizen police was organized by 170 volunteers, preliminary to a vigilance committee. Marysville had its committee, which adjourned in Oct., only to meet in the following month for the pursuit of Murieta's band. In July 1852 it was revived by incendiarisms, and continued to act as late as 1858, when five desperadoes were sent away. Shasta, Nevada City, Grass Valley, Eureka, and Mokelumne Hill figure in the list, the last two applying the noose in 1852 and 1853. Sonora was among the most busy in the daily dispensation for some time of whipping and banishment, with shaving the head and branding H. T., even on the cheek. At the same time, she displayed a generous charity in efforts to save the less culpable from temptation. San José and Santa Clara, Santa Cruz, San Luis Obispo, Santa Bárbara, and San Diego, were represented in the south. At Los Angeles robber gangs and riots kept the place in a turmoil. In several towns were uprisings at a later period, as at Monterey, Truckee, and Visalia, the last named doing sweeping work, and Truckee obtaining martyrdom for one of its defenders. For details of vigilance work in and beyond California in early days, with its exciting and romantic episodes, I refer to my *Popular Tribunals*, passim.

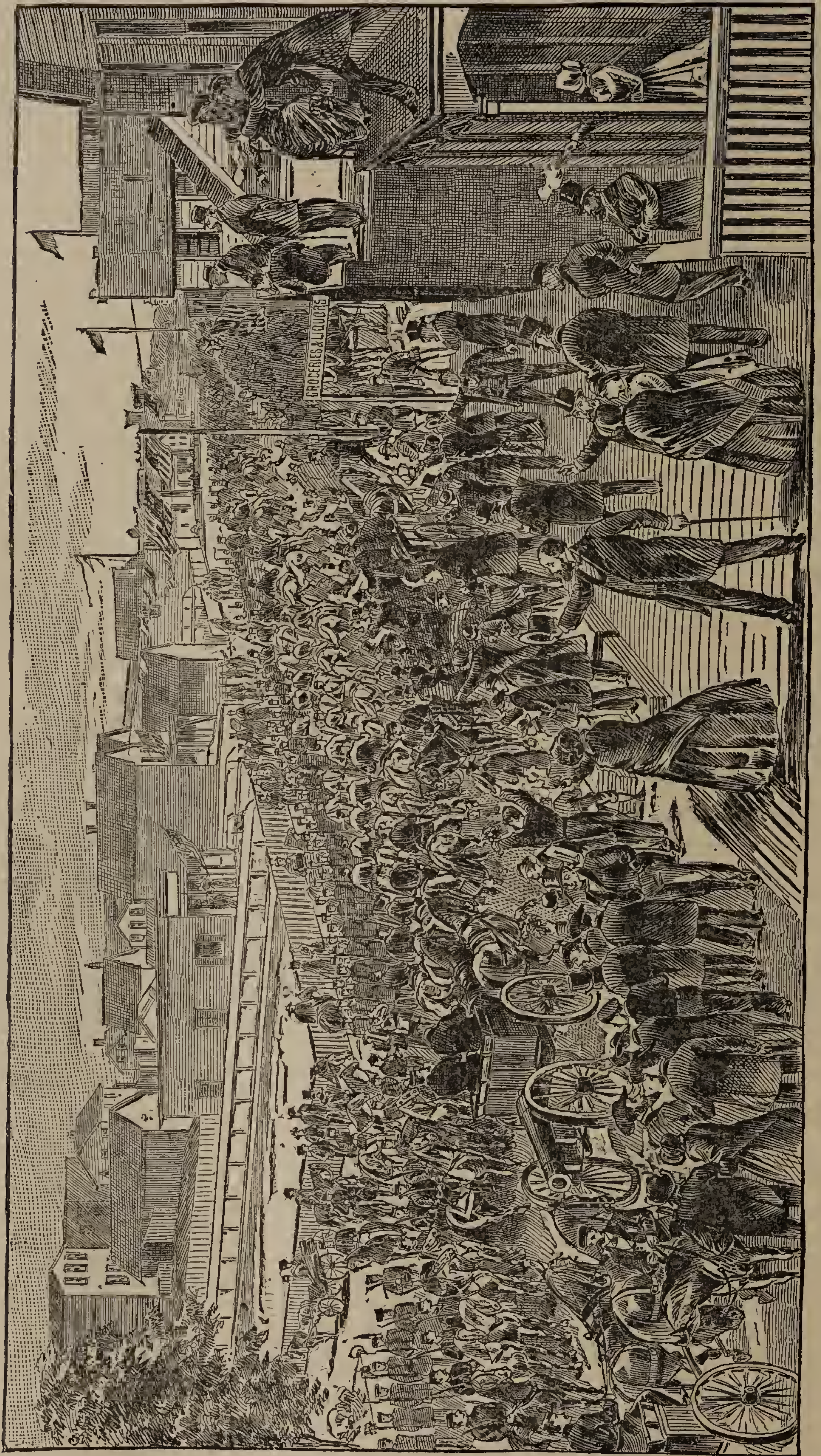
eastern record as a convict had been exposed by his victim. This slaying of a champion of the afflicted citizens, and by a pronounced public swindler, roused in the breasts of all good men the greatest indignation, and set on foot measures which were to raise King of William to the rank of a martyr, while dealing destruction to the public foes. The long-silent bell was quickly sounded, and a new work of reform was begun.

Recognizing as before the danger lurking in a maddened crowd, the remnant of former vigilance members determined on May 15th to revive the old committee on a plan more suited to the changed condition of affairs, and the prospective encounter with greater opponents. An executive committee of forty[9] members was chosen, under the presidency of William T. Coleman, a prominent merchant, a model Californian for enterprise and integrity, and a man possessed of practical sense, presence of mind, and determined courage. The members of the general committee, which quickly mustered 6,000 men,[10] and later increased to 8,000, were organized into a military body, mainly infantry, armed with muskets and clubs, complemented by some cavalry, flying-artillery, and a marine battery, with commissary, medical, and police departments, and patrol service.[11] Subscription soon reached $75,000, and several hundred thousand flowed in due time into the treasury from dues and voluntary subscriptions, to cover the outlay for armament, police, testimony,

[9] At first of 26. For names of officers, see *Pop. Trib.*, ii. 113 et seq., with biographic traits of leaders.

[10] During the first 24 hours 1,500 enrolled, and in July 6,000 stood on the list, with many more ready to join in case of emergency.

[11] Employing constantly 300 or 400 men. When 4,000 strong there were 40 companies, including two companies of cavalry, three of flying-artillery, one marine battery, and one pistol company. The police numbered 200 or 300 men, partly from the city police, and several under pay; the medical dept had a hospital; the commissary attended also to rations for the patrol. The companies elected their own officers, and many possessed their special armories. C. Doane was chosen marshal or general, with Col Olney as second. No uniform was required, but most members wore a dark frock-coat and cap. In Aug. they possessed 1,900 muskets, 250 rifles, 4 brass six-pounders, 2 iron nine-pounders, 5 smaller pieces, a portable barricade on wheels, also swords, pistols, etc. A board of delegates, composed of three members from each company, had to confirm verdicts.



HEADQUARTERS OF THE VIGILANCE COMMITTEE.

deportation, and other demands. Headquarters were selected on Sacramento street,[12] east of Front street.

In the ranks of the reformers were persons of all classes and creeds, laborers, merchants, and mechanics, master and man alike shouldering a musket, standing guard, and marching side by side. They differed from their brethren of 1851 in having among their number more solid business men, with a sufficient majority of sedate, deliberative, and broad-minded conservatives to control the hot-headed radicals. Seldom has been seen an array of patriots playing soldier who combined more intelligence and zeal.[13]

The first task was to secure and try Casey, who to escape popular fury had eagerly availed himself of the protection of the jail, there to wait till the storm abated sufficiently to permit the usual circumvention of justice. His voluntary surrender being hopeless, the committee mustered en masse to enforce it, advancing in sections, by different approaches, toward the jail. It was Sunday, May 18th. A sabbath stillness reigned throughout the city, broken only by the measured tread of the reformers and the call to worship of church bells. The law-and-order party was also abroad, confident in the stout walls of the prison; but as the line of gleaming bayonets grew denser around it their smile of derision faded, and it was with serious apprehensions that they beheld the yawning muzzle of a gun uncovered before the entrance. They saw the hopelessness of opposition. Casey was surrendered, together with another murderer named Cora.[14]

Rebellion! was the cry of the law-and-order party,

[12] Old no. 41. It was the old appraisers' store. Description, with plans and views in my *Pop. Trib.*, ii. 97-108. The first temporary quarters were at 105½ Sacramento st. The constitution of 1851 was revised and adopted. Text in *Id.*, 112-13. The inspection of jails was an early task.

[13] Fit to 'found a state organization, a nation,' as the *London Times* exclaims. Men of nerve and honor, aiming for no reward. Americans from the northern states predominated, then westerners, followed by southerners and foreigners. Many sympathizers gave pecuniary aid while holding personally aloof.

[14] Cheers began to roll up from the exultant spectators, but a sign of admonition hushed them into mute approval.

which found itself baffled in many respects. Its appeal for volunteers had brought only a feeble response, chiefly on the part of lawyers and politicians.[15] The local authorities nevertheless planned a campaign. A habeas corpus for a certain prisoner being evaded by the committee, the attitude was construed into defiance of state authorities, and Governor Johnson, a man of narrow views and vacillating character, thereupon appealed to the United States troops for arms, declared San Francisco in a state of insurrection, and called out the militia. But the arms were refused, and the militia held back.[16]

Meanwhile the committee had tried the two prisoners with all fairness, and condemned them to death. The sentence was carried out on May 22d, at the time the remains of the assassinated editor were on the way to the cemetery with solemn and imposing pageantry.[17] The reformers followed up their task by ferreting crime, watching officials, collecting testimony, and driving out malefactors; but the greatest test was yet before them. On June 21st, during the arrest of a noted political trickster, a scuffle ensued, wherein a committee officer was stabbed by Terry, judge of the state supreme court, who leaving his duties at the capital had come to drag his already soiled ermine in the demagogical slums of San Francisco. A moment later the significant tap was heard, and within a few minutes the reformers were flocking up and falling into line. The law-and-order men had noted the signal; but while they were still gathering, their

[15] Assisted by a number of catholics and southerners whom King had assailed. Both the military battalions of the city disbanded to avoid serving against their fellow-citizens. 'Not one in ten responded,' reported the governors. *Pop. Trib.*, ii. 359.

[16] By orders of June 2d and 3d, W. T. Sherman, appointed major-general of militia and given the military command in San Francisco, promised to quickly disperse the vigilance men. Sherman soon resigned, disgusted with the governor's attitude, and was succeeded by Volney E. Howard, who talked much and fought little. U. S. Gen. Wool and Capt. Farragut declined to interfere. Loud appeals come in vain from Sacramento and elsewhere against the proclamation.

[17] The procession was two miles in length. Places of business were closed; distant towns held simultaneous obsequies, and joined in subscribing a fund for the widow, which reached about $30,000.

prompter opponents were upon them with bayonets fixed and artillery in limber. One body arrested Terry, and others enforced the surrender of different strongholds, thus seizing the pretence and opportunity to cripple the foe.[18] Terry's stab had stricken down his own party, while crowning the victors with triumph.

For a time the life of the chief justice hung on a thread; but the disabled officer recovering, the offender was arraigned on minor charges. The executive committee found, after a trial of twenty-five days, that while Terry undoubtedly deserved expatriation, he was too strong politically to be treated like an ordinary criminal. The state and federal authorities might join to interfere in behalf of a supreme judge, and failure would injure the prestige of the committee. The success of their cause demanded an acquittal, and so it was decreed, despite the disappointment of the unreflecting members against the seeming lack of equity and firmness. The decision was wise, for a sentence of banishment, which could not have been enforced, would have entailed, not only serious litigation against the city, but the annulment of other sentences and general discomfiture.[19]

The struggle with the state government brought another victory for the reformers. The governor had prepared to carry out his proclamation, partly by transmitting armament from the interior; but the committee boldly boarded the vessels laden therewith and seized the weapons.[20] They nevertheless took measures for defence by intrenching themselves at head-

[18] About 1,000 stand of arms were taken, besides pistols, swords, and ammunition, and 200 prisoners, including U. S. naval agent R. Ashe. The prisoners were soon released. Gen. Howard blustered nervously to prop his fallen prestige and plumes.

[19] The board of vigilance delegates held out for some time against the acquittal. Terry took refuge on board the U. S. sloop of war *John Adams*, whose commander had been blustering against the reformers till his superior quieted him. The judge thereupon returned to his court at Sacramento.

[20] Their officers were arraigned for piracy, which implied death; but as it was shown that the arms were seized temporarily to prevent bloodshed, the jury acquitted them.

quarters, with guns planted and protected by a breastwork of sand-bags, whence the appellation Fort Gunnybags.[21] Rumors of possible results flew thick and fast, some hinting even at secession, though none were more loyal than these men.[22] They had been driven further than had been anticipated, yet their courage rose according to the magnitude of the peril and responsibility, and they stood resolved to carry the issue to the end. Their course was approved by numerous popular demonstrations in different towns, and by additional enrolments.[23] The opposition claimed a force of 6,000, but had in reality only one tenth that number, for most of military companies summoned by the governor disbanded, and the president of the United States, to whom application had been made, replied evasively.[24] Thus ignominious failure stamped the efforts of the opposition and the gubernatorial prestige sank into derision.[25]

Striding firmly along in the task of purification, the committee saw it practically accomplished within three months. It had been marked by the execution of four men, the deportation of twenty-five, and the order for a number of others to leave, a lesson which led to the voluntary departure of some 800 malefactors and vagabonds.[26] Stirred by fear and example,

[21] In lieu of the baptismal name of Fort Vigilance. View and description in *Pop. Trib.*, ii. 98, etc. See a previous note for armament. Passwords were frequently changed, a rally-cry was given, and a distinctive white ribbon pinned to the lapel. The city was scoured for arms that might be used by the law party.

[22] Some proposed an extra session of the legislature to take measures to meet the emergency.

[23] San José offered 1,000 volunteers; Sacramento formed a committee of vigilance; at Sonora 5,000 men gathered; the people of San Francisco clamored for the resignation of officials, who turned a deaf ear to the demand; even children formed in mimic battle array. *Pop. Vig.*, ii. 203, 339, 350–2, 445, etc. On July 4th the committee stood prepared to adjourn, when further menaces roused it to defiance.

[24] He saw not sufficient danger to justify interference. Urged partly by Texan resolutions, he finally did send the required order for federal aid to the governor, when assured that the danger was past. This lenient course was prompted greatly by the approaching general election and concerned party interests. *Id.*, 363–4, 573, etc.

[25] The insurrection proclamation remained a dead letter.

[26] Details and names in *Pop. Trib.*, ii. 271–82, 348–53, 509, 528, 591–8. Besides Casey and Cora, Philander Brace, a political virtuperative rowdy, and

officials had moreover responded to duty with the most gratifying result in economic, judicial, and general administration. In the formerly well-filled county jail not a prisoner remained awaiting trial. On the 21st of August, therefore, the committee deemed it proper to adjourn, with a closing parade, their only vaunt over the happy achievement of great reforms—a thanksgiving for deliverance. Most of the companies retained their organization, however, and a few officers remained to watch the effect of their work.[27]

And now were proven how baseless the croaking predictions of thoughtless or scheming agitators, that



MEDAL.

Jos. Hetherington, a dissolute though gentlemanly English gambler, were hanged for murder. The adventures of the unsavory Judge Ned McGowan while eluding the pursuing committee, and his ultimate escape from sentence, are told in his own *Narrative.* See *Pop. Trib.*, ii. 245 et seq. The conduct and treatment of a branded member of the committee is instanced in the case of A. A. Green. Appeals for redressing private wrongs had to be ignored. The abused Chinese received protection. The banished were forbidden to return under penalty of death; but some came back after the committee had retired, claimed damages, and certain compromises had to be arranged. Committee members were also persecuted when recognized by their victims in eastern cities, and unsuccessful though costly suits were instituted against them. *Id.*, 595–614, 621. The expatriation order was rescinded in Sept. 1857.

[27] For parade, list of companies, closing address, and finances, see *Id.*, 531–46. The vigilance record was kept up till Nov. 3, 1859. The governor maintained in print, till Nov. 3d, his proclamation, declaring the city in a state of insurrection, partly for election purposes, under plea that the committee still retained the state armament. This was then surrendered. About the same time highway robberies became so frequent that the governor joined in the spreading alarm, protesting his inability to suppress them.

California, with a fostered spirit of revolt, would foment at slight provocation, and become a vortex of lawlessness under a rule of terror, driving back capital and settlers. This formal vigilance organization was not to be compared with the rash, vindictive, mob-like risings which had so often disgraced the mining region, though even here there were many calm and dispassionate popular tribunals, resulting in great good. A slight industrial disturbance was the only evil effect of the committee movement,[28] while the benefits were incalculable, in many respects permanent, and far surpassing the superficial results of the year 1851. Crime never again reached dangerous proportions in the city. Expenditures fell from $2,646,190 in 1855 to $856,120 in 1856 and $353,292 in 1857. A people's reform party was organized, which for at least ten years did good service in maintaining an honest administration, and urging the people to a performance of the political duties so disastrously neglected. San Francisco purified became famed as one of the best governed among cities. Real estate advanced in price, immigration received fresh impulse, and trade and industry flourished. The dignity and worth of this vigilance committee lie vindicated in the glorious results of its labor, and in the lofty principles by which it was actuated.[29]

[28] A few timid people left the city, a court or two adjourned, and some industries had temporarily to suspend.

[29] Firmness and moderation, admirable equity and self-abnegation, marked its every act, with not one serious error of judgment, not one signal failure of purpose.

CHAPTER XXVI.

ANNALS OF SAN FRANCISCO.

1851-1856.

A Period of Trials—Land Titles—City Limits—Mexican Grants—Spurious Claims—Water Lots—Fluctuations of Values—The Van Ness Ordinance—Villanous Administration—A New Charter—Municipal Maleadministration—Popular Protests—Honest and Genial Villains—Increased Taxation—Vigilance Movements—Reforms—Another Charter—Real Estate Sales—The Baptism by Fire and Blood—Material and Social Progress—Schools, Churches, and Benevolent Societies—The Transformed City.

The six years following the birth of San Francisco as a city formed a period of herculean achievements in face of discouraging obstructions—the trials and temptations of the youthful giant. Hills were tumbled into the bay, and on mud flats was made solid ground. On the sites of smouldering ruins were erected substantial buildings, streets were paved, and a metropolis was formed which within three years took rank with the leading mercantile centres of the world. Meanwhile was maintained a constant struggle with corruption and disorder, against unscrupulous and grasping officials and lawless ruffians, by whom, midst sore affliction, the city was despoiled of her heritage, and burdened with heavy debt.

A fundamental trouble appeared early in the title to lands, of which the city in common with other pueblos had inherited her share,[1] besides obtaining

[1] As shown in my special chapter on land titles, and in the preceding vol, iii. 702-8, etc. By a decision of 1854 the land commission confirmed to the city, instead of the claimed four leagues, or 17,000 acres, only about 10,000 acres, that is, the land north of the Vallejo line, running from near



Bache's Map of San Francisco. 1856-7.

from the state and union valuable water lots;[2] but the extent and validity of these grants were quickly assailed under the shadow of legal decisions. Irregularities had also crept in, by permitting one purchaser to acquire many lots; by the sale of land through justices of the peace in opposition to the council; by the Peter Smith execution sales; and by the vagueness involving several early grants within the city limits.[3] With such favorable opportunities the many land-sharks afflicting the country ventured to nibble at the choice peninsula, and so rose successively, in 1850–3, the claims of Stearns and Sherreback to sections south of Market street, of Santillan to three leagues of land radiating from the Mission, and of Limantour to four leagues around the central part of the city, and including many of the settled blocks. All except the first received such confirmations by courts and land commission as to rouse consternation among property holders.[4]

the intersection of Brannan and Fifth streets over the summit of Lone Mountain to the ocean. In 1860 the four-league claim was conceded by the circuit court, and five years later yielded by congress, but with the condition that the land not needed for public or federal reservation purposes, or not disposed of, should be conveyed to the parties in possession. This confirmation to a few large holders of valuable pueblo domains was inconsistent with the original Mexican pueblo law and its general acceptance by the U. S.; but the Clement and McCoppin ordinances affirmed the alienation, and the city gained little more than a park of sand hills under the decree. For city and county boundaries, see notes on city charters.

[2] Gen. Kearny in 1847, perhaps unauthoritatively, relinquished to the town the U. S. claim to the pueblo lots and beach and water lots, which were not conveyed under Mexican laws, and the state by act of March 26, 1851, ceded for 99 years all rights to beach and water lots against 25 per cent on sale money, previous sales being confirmed. By act of May 1, 1854, the state proposed to cede such lots forever, on condition that the city should confirm to holders certain other lots, such as the obnoxious Colton grants. This was declined; but in 1852 interested speculators prevailed on the alderman to accept the proposition. Mayor Harris, however, sustained by the indignant people, succeeding in having this act repealed. Concerning water lots, see *Cal. Jour. House,* 1851, p. 1329–33, 1853, p. 694–5; *Id., Ass.,* 1854, ap. 9, etc.; 1855, ap. 9; 1856, 66–76; 1858, 503–6; *Id., Sen.,* 1855, 84–6, 482–3; 1859, 23–4; *S. F. Manual,* 204–9.

[3] To Bernal, Guerrero, etc., which in due time were confirmed. The Smith sales are spoken of later.

[4] See chapter on land titles. *Limantour, Bird's-eye View,* 1–24; *U. S. vs Limantour,* with photographs of documents; *U. S. Gov. Doc.,* Cong. 39, Sess. 1, Sen. Rept 92. See also newspaper notices, especially at the time of the several pleadings and decisions, till 1859, when it was finally rejected, together with the Santillan claim. The latter was made additionally interest-

As a natural result of the irregularities and conflicting decisions, almost any concocted or presumed title could be made available for temporary possession, and so squatters began to overrun the city, seizing upon every desirable unimproved lot, even upon public squares and cemeteries, perhaps fencing it during a night, and bidding armed defiance to the original owners; at times backed by a squad of ruffianly retainers. Pitched battles with bloodshed became frequent, but judges could not interfere effectually, nor would juries convict a presumed owner for defending his property.[5] This impaired confidence and hindered improvements, and with the prospect of a usury bill, lenders of money for such purposes held back, so that the value of real estate was seriously reduced, falling from about seventeen million dollars in 1850–1 to eleven millions in 1851–2.[6]

The title to water lots was fortunately settled in 1851, and their value rapidly advanced, until four small blocks on Commercial street sold for over a million dollars in December 1853,[7] when speculation and

ing from the purchase by the vigilance committee of 1856 of documents relating to the Mission lands through A. A. Green, and subsequent litigation for the money. See *Green's Life*, MS., 30–85; *S. F. Herald*, March 28, 1857; *S. F. Bulletin*, July 21, 1857; Jan. 27, 1859; July 19, 1860; *S. F. Post*, June 28, Aug. 21, 1878, etc.; *S. F. Call*, etc.; *S. F. Post*, June 19, 1878; and notably the testimony of Coleman, *Vig.*, MS., 120 et seq., and Dempster, *Vig.*, MS., 1 et seq., the vigilance leaders. The Gulnac, Rincon Point, Point Lobos, Colton grants, were among minor claims. Although the Sherreback confirmation decree was vacated in 1860, claimants long harassed holders, while the Santillan speculators were seeking compensation from the government. The Stearns claim was early rejected.

[5] Speculators hired men to hold possession till they could by legal quibbling and bribery acquire legal right. The lot where later stood the Grand Hotel was the scene of lively encounters, as related by Farwell, *Stat.*, MS., 10. See also *Annals S. F.*, 456–7, 540–1. Property holders formed in 1854 an association for protecting themselves. Capt. Folsom's lots were especially exposed to seizures.

[6] Values and fluctuations are considered by Williams, *Rec.*, MS., 7; Clark, *Stat.*, MS., 1; Olney, *Stat.*, MS., 2–3; see also *Alta Cal.*, *S. F. Herald*, etc.

[7] This sale proved the means for one of the numerous raids upon the city treasury. The owners of the Sacramento and Commercial st wharves claimed that the blocks had been intended for a dock, to the advantage of their property, and were appeased with $185,000 of the sale money. Soon after paying most of the instalment money, values fell with the spreading business depression, and the buyers picked a flaw in the title, on the ground of an insufficient vote for the sale ordinance. Although this ordinance was confirmed and the flaw readily overcome, the courts after five years' litigation decided

business excitement culminated. But influenced by certain speculators who had invested in the Peter Smith execution sales, and by other prospective gains, the assembly in 1853 passed a bill for extending the water-front six hundred feet beyond the line established in 1851, on the ground that state finances sadly needed the one third of the expected six millions of sale money. Seeing little benefit to themselves in this scheme, the city authorities joined the citizens in loud protest against the proposed violation of rights guaranteed to the present front-owners, an infraction which must also injure property holders in general, by involving a costly change of grade for drainage, and imperil the port by driving vessels beyond the existing headland shelter. The clamor had the effect of equalizing votes in the senate, so that Lieutenant-governor Purdy's casting vote was able to defeat the bill.[8] Interior lots remained longer under a cloud. In 1854, however, the land commissioners confirmed the city title to land north of the Vallejo line, under a mistaken idea as to the extent of the pueblo lines; and in 1855 the Van Ness ordinance assured titles to possessors within the corporate limits of 1851. It took another

in favor of the buyers. By this time values had again risen, and now 35 of the buyers compromised by keeping the lots and accepting about one million —or more than they had paid—as compensation, chiefly interest on the partial purchase-money. Encouraged by this success, a few remaining buyers claimed similar restoration; but now an ingenious lawyer found that the instalment money, while received by the city, had not been in legal possession of the treasury, so that it must be sought through some undefined channel. The last claimants evidently lacked means to win over the weather-cock justice for further spoliation. Meanwhile improvements in the region concerned had languished under the litigation. For details, see *Coon's Annals*, MS., 22–5; *Cal. Jour. Sen.*, 1856, 608–52, ap. 18; *S. F. Rept City Litig.*, 1–64; *Id.*, *Opinions*; *Sac. Union*, Dec. 18, 1856; *S. F. Bulletin*, Oct. 28, 1859; *Alta Cal.*, Aug. 7, 1866, etc. These authorities refer also to state sales, in Dec. 1853 for $350,000, in March and June 1854 for $241,100, and $100,000 also in 1855, the latter especially being unfairly managed with a loss to the state, and with a cloud upon titles.

[8] Roach, *Stat.*, MS., 15–16, points to Guerra's vote as having tied the measure. The prospective cost to the state of building a breakwater had its effect on votes. Protests, etc., in *S. F. Remonst.*, 1–8; *S. F. Hist. Incid.*, viii.; *Cal. Jour. Sen.*, 1853, 629–30, ap. no. 28–31, 41, 49, 65, 74; *Id.*, *Ass.*, 1854, 15–18, 652; *Alta Cal.*, Apr. 13, 1853; May 4, 1854, etc. The bill was revived, but in vain. See also *Farwell's Stat.*, MS., 4–6; *Purkitt's Letter on Water Front*, 1–32; *S. F. Bulletin*, Apr. 16, May 1, 5, 7, June 12–16, 1856; *West. Amer.*, Jan. 31, 1852.

decade to obtain recognition for the city of the usual four-league grant under Mexican laws, and the several claims of Sherreback, Santillan, and Limantour having by this time been finally rejected, additional ordinances confirmed also outside holdings, and so restored general confidence.[9]

The glaring maleadministration and abuses of the common council of 1850 roused the citizens to an appeal for a remedy, and on April 15, 1851, San Francisco received a new charter, which enlarged her limits half a mile to the south and west, and placed a wholesome check on financial extravagance,[10] notably by reducing or abolishing salaries in every direction, and seeking to restrain the accumulation of debts. The

[9] The final decree of confirmation was issued in 1867 through the circuit court, and in 1867-8 the Stratton survey was made in accordance. Concerning city titles in general, see also *Pioneer Mag.*, i. 193, 257, 321, etc.; *S. F. vs U. S., Doc.*, etc., 1-70; *S. F. Miscel.; Tilford's Argument*, 1-17; *Browne's Stat.*, MS., 15. Among journals, *Alta Cal.* is especially full of comments about the dates of decisions, as indicated in preceding references. In *Biart's Rambles*, 81-6, is the story of the fate of a S. F. claimant. Among claims lately surviving is one by settlers for the govt reservation at Point San José. See *S. F. Bulletin*, June 17, 1878. Coon's efforts for promoting the settlement of titles are highly creditable. *Annals*, MS., 28-31.

[10] Boundaries: on the south, a line parallel with Clay st, two miles and a half distant from Portsmouth square; on the west, a line parallel with Kearny st, two miles distant from Portsmouth square; on north and south, same as county. The wards remained eight in number, but with redistriction to equalize the number of their inhabitants. Officials remained unchanged, except that the two assessors for each ward were changed into a total of three for the city. The first election under this charter was to take place in April, and thereafter annually at the general election for state officers. No debts were permitted to accrue which together with former debts should exceed the annual revenue by $50,000, unless for specific objects, authorized by popular votes, and duly provided for, in interest and redemption, within 12 years. Loans in anticipation of the year's revenue could not exceed $50,000. Loans for extinguishing existing debts, etc., must be authorized by the people, and early steps taken for funding such debts. Creditors of the city might fund the debts due them, at a rate of interest not exceeding ten per cent, and payable within ten years. The net proceeds of city real estate and bonds, from the occupation of private wharves and basins, wharfage, rents, and tolls, to constitute a sinking fund for the debt. Salaries of charter officers not to exceed $4,000 a year, the treasurer and collector receiving instead of salary not over half per cent and one per cent respectively on money handled by them; assessors, not exceeding $1,500 each. Aldermen received no compensation. No clerks and deputies were allowed beyond the number stated by the charter. Further details in *Cal. Comp. Laws*, 1853, 944-55. Compare above and other salary changes with the allowances for 1850-1 of $64,000 to 16 aldermen, $8,000 or $10,000 each to the leading officials, from $4,000 to $5,000 each to a host of clerks (now reduced to $2,000 and less), showing a salary list for the city of more than $800,000 prior to this charter.

more prudent administration of the county was sustained by placing the financial control with a board of supervisors, composed chiefly of the city board of aldermen.[11] Under the new charter was elected a municipal body of high-class men,[12] chiefly independent candidates of different political creeds, intent upon reform. Headed by Charles J. Brenham[13] as mayor, they proceeded to carry out this aim, midst general commendation, and in so thorough a manner as to reduce expenses for the fiscal year to one fifth of the amount wasted by their predecessor, from $1,700,000 to $340,000, besides paying off $92,000 of the debt, fostering education and other measures, and still leaving a balance. In order to do this, however, taxation had to be more than doubled, partly owing to the lessened value of property, which sank with the abat-

[11] And mayor, supplemented by one member from each of the three townships into which the county outside of S. F. was divided. A tax of one half per cent was authorized for paying the accrued debt of the county. Members of the board were to receive $3 for each day of necessary attendance. Text in *S. F. Manual*, 235–7. Other regulations for city and county officials, in *Id.*, passim; *S. F. Ordinances*, 1853–4; *Cal. Code*, 662–78; *Cal. Statutes*, 1851, etc.; *Id.*, *Jour. House*, 1851, p. 1857, etc. The legislative representation of S. F. was reduced from one eighth to one ninth.

[12] The election took place on Apr. 28th, 6,000 votes being polled. The other officials were G. A. Hudson, controller; T. D. Greene, collector; R. H. Sinton, treasurer; R. H. Waller, recorder; R. G. Crozier, marshal; F. M. Pixley, attorney, etc. R. S. Dorr and J. F. Atwill, a successful music and fancy-goods dealer, became presidents of the two boards of aldermen, wherein W. Greene was the only reëlected member. For the county, Hayes was reëlected sheriff. See *Bluxome's Vig.*, MS., 12–13; *Farwell's Stat.*, MS., 8–9; *Alta Cal.*, *Cal. Courier*, etc., for the month.

[13] Born at Frankfort, Ky, Nov. 6, 1817, and well known on the Mississippi for nearly a dozen years as a steamboat captain, he came to Cal. in 1849 and assumed command of the *McKim*, running between S. F. and Sac. Able and genial, he quickly became a favorite, and received in 1850 the unsolicited nomination of the whig party for the mayoralty, although taking no part in politics. Geary held the position, however, and Brenham continued a captain, now of the *Gold Hunter*, which he partly owned. In 1851, he took part in the canvass, and succeeded in defeating F. Tilford. His term ended, he joined B. C. Sanders in the banking business, and was chosen president of the whig state central committee. Reëlected mayor in 1852, he declined the appointment of mint treasurer, and displayed throughout his official career an unimpeachable integrity, together with a laudable firmness and sound judgment. Henceforth he devoted himself to business, notably as agent with J. Holladay for the North Pacific Transport Co., although accepting in the seventies the appointment of director and commissioner of public institutions. He died of apoplexy on May 10, 1876, leaving five children by the daughter of Gen. Adair of Or. *Alta Cal.*, May 11, 1876; *S. F. Call*, id.; *S. F. Bulletin*, May 12, 1875; portrait in *Annals S. F.*, 735.

ing gold excitement, and chiefly to provide for the interest and cost of the debt-funding scheme.[14]

The election as well as zeal of these men was greatly due to the popular spirit, which gave a first signal manifestation in February 1851, roused by the startling increase of robberies, murders, and incendiarism, by Sydney convicts and other scum, and by the apathy and negligence of officials. This outburst was followed by a scathing report from the grand jury, and by June it unfolded into a formal committee of vigilance. While mainly directed against criminals, and for the better administration of justice, the movement left a salutary if short-lived impression in other quarters, after a vigorous purification of three months.[15]

Owing to a vagueness in the charter, the question arose whether the next municipal body should be chosen at the first succeeding state election, or whether the April officials should retain power until September 1852. Eager for spoils, the democratic party decided upon the former interpretation, and took steps for selecting a new government. The existing authorities, as well as the majority of the people, took a contrary view, and abstained both from presenting candidates and from voting. With the field wholly to themselves, the opposition thereupon proclaimed the election, by a meagre partisan vote, of a ticket whose doubtful aspect stood relieved by few creditable names besides that of Stephen R. Harris,[16] the mayor elect. The

[14] The regular tax was still limited by charter to one per cent, but pacific objects raised it to $2.45 per cent, besides 50 cts for state purposes and $1.15 for county, total $4.10, upon an assessed value of $14,000,000, reduced from $21,600,000 in the preceding year. Compare later financial showing with the former chapter on S. F.

[15] A criticism on the inactivity and inefficiency of Judge Parsons of the district court at S. F., by Editor Walker of the *Herald*, caused the irate judge to condemn the editor to fine and imprisonment. Newspapers and people rose in behalf of the liberty of the press, and Parsons narrowly escaped impeachment. The superior court reversed Parson's judgment. *Parson's Impeacht, Rept Com.; Alta Cal.*, March 10 et seq., 1851; *Sac. Transcript*, March 14, 1851, etc. Shortly before, the Gold Bluff excitement had led to a rush from and through S. F. for the northern coast of Cal. This was the year of the greatest and final sweeping conflagrations.

[16] Of Poughkeepsie, N. Y., born in 1802, and a physician of 25 years' stand-

existing official at first ignored the democratic claimants, but when these were sustained by a decision of the superior court, at the close of the year, they withdrew.[17]

Finding themselves obnoxious to circumvented people, the so-called accidental officials had less scruple in seeking to promote their own ends; and but for the firmness and integrity of the mayor in vetoing several obnoxious schemes, the abuse might have become extensive. As it was, the popular indignation turned upon them for the purchase of the Jenny Lind theatre for a city hall. Not only was the price excessive, but costly changes were required to fit the place for offices, and then it proved so inadequate as to call for speedy extension and additional purchases.[18]

ing. He had held several public trusts in N. Y., as health commissioner, etc., and arrived in Cal. in 1849 with a high reputation for honor, moral worth, able zeal, and generosity. After a brief mining experience he opened at S. F., in partnership with Ponton, the most extensive drug business in the county, but was repeatedly overwhelmed by fires. His opposition to the obnoxious measures of his official associates confirmed the popular estimation, and we find him later selected for other municipal charges, as controller and coroner; also as president of the Pioneer Soc. in 1855–6. He died at Napa asylum on Apr. 27, 1879. *S. F. Bulletin*, Apr. 28, 1879; *Stock Exch.*, Apr. 29, May 1, 1879; *S. F. Call*, Apr. 29, 1879. Portrait in *Annals S. F.*, 740; *S. J. Pioneer*, May 10, 1879; *S. F. Post*, Apr. 29, 1879.

[17] Although they might have retained office, for the courts had adjourned when the surrender took place. The district court had decided that officials elected in Sept. should take possession in April, so as to leave the old board a year in power. The old officials offered to resign if the new body would do likewise, and so permit a more general and valid election; but this did not suit the rapacious claimants. The new government embraced J. W. Hillman, S. Clarke, C. McD. Delany, D. W. Thompson, G. W. Baker, D. S. Linnell, for controller, treasurer, attorney, marshal, recorder, and collector, respectively. I. H. Blood and N. Holland headed the aldermen, among whom were four reëlected members, including Meiggs, later notorious as Honest Harry.

[18] The former purchase, similarly underhanded, was burned in June 1851, and offices being scattered at a high rental, of about $40,000 a year, a new hall was required, and an act of Apr. 10, 1852, authorized the purchase or erection of one at a cost not exceeding $125,000. *Cal. Statutes*, 1852. Yet, by bringing in the county for a half-interest, $200,000 was paid for the Parker House, including the theatre. This was the stone structure on the east side of the plaza, of great beauty and comfort, seating 2,000 people, which had opened on Oct. 4, 1851, at a cost of $160,000, but proved a losing speculation. The $200,000 represented little more than the bare walls, for the interior was torn down and reconstructed at a cost of over $40,000. Harris vetoed the purchase, but it passed, sustained by the superior court. One result was a duel between Alderman J. Cotter and Editor Nugent of the *Herald*, wherein the latter had a leg broken for his insinuations against aldermanic probity, as McGowan testifies in the *S. F. Post*, Feb. 8, 1879. See *Alta Cal.*, *Placer Times*, and other journals for June 1852, etc. In 1854 the *Alta Cal.* office

Popular outbursts like the denunciation of the city-hall purchase proved too ephemeral to frighten legally fortified officials, and by proper collusion it was easy to overcome the veto or opposition of a solitary mayor. Accordingly, by propitiating tax-payers with the deserving Brenham once more for chief city magistrate, and a few other respectable men, politicians smuggled into his train a number of their own fold more unsavory than the preceding,[19] with whose aid extravagance steadily increased Nevertheless the conscientious few suppressed any very glaring abuse that might have disturbed the pervading lull. The democratic faction herein saw its opportunity, and by further deluding the public with a reduced rate of taxation, they foisted upon the city at the following election a larger horde of creatures, under whose voracity the expenditure rose to $1,441,000, or double that of the preceding year, and more than quadruple the amount for 1851–2, and far in excess of the receipts.[20]

Corruption and disorder permeated every department. Even reforms, like the reconstruction of the police department,[21] were distorted to serve for plun-

adjoining on the north was bought for $50,000 as a hall of record and occupied in July, and a building on the south. The place became a sink-hole of corruption, the prison in the basement, with its refuse of humanity, and health and police offices. On the first floor were the offices of sheriff, clerks, and collector around the mayor's court-room, with its calendar of dissipation. The second story was occupied by the upper and lower house of aldermen, the treasurer's office, and the district court. One flight higher led to the jury-rooms and offices of the surveyor, engineer, board of educ., the whole surmounted by the bell-ringer watching in his cupola for fires. The same council sought to arrange with the state for foisting the Colton grants upon the city.

[19] The aldermen were presided over by J. P. Haven, the pioneer insurance agent, and J. De Long. The officials embraced R. Mathewson, L. Teal, H. Bowie, G. W. Baker, R. G. Crozier, and J. K. Hackett, as controller, collector, treasurer, recorder, marshal, and attorney, respectively.

[20] Adding county expenses, which had grown from $115,700 in 1851–2 to $292,700 in 1852–3, and to $391,000 in 1853–4, the total was $1,831,800, while the receipts amounted to $1,200,000 from a tax rate of $2 for the city, and $1.28½ for the county, while the state tax was 60 cts. Under the general prosperity culminating in 1853, the assessed value of property had risen to $28,900,000. Corruption entered into every branch of administration, as may be seen from the item of $265,300 for wharf purchases, $479,000 for streets, $213,400 for hospitals, $149,300 for police and prisoners, $126,600 for the volunteer fire department. Salaries were $253,000.

[21] By ordinance of Oct. 28, 1853. The force to be composed of 56, each alderman appointing three, to be confirmed in council; one district and sta-

der. Money was spirited away among controlling men and partisans, and business transacted on trust, contractors and employés being paid in warrants or municipal promissory notes. Without definite prospects for payment, these naturally depreciated, and creditors sought compensation by adding losses to their bills, so that the city had frequently to pay double or treble for work itself, besides other filchings. Warrants were moreover signed loosely in blank, and allowed to circulate as security or as discounted paper, without inquiry as to their extent or nature, till the accumulation of funds brought forward a part for redemption. This neglect on the part of officials, as well as business men, favored such frauds as were perpetrated in 1854 by Alderman Henry Meiggs, who decamped after victimizing the community for about a million, chiefly on forged warrants.[22]

The success of spoliators whetted the appetite of the opposition element, which, uniting with a number of earnest men to form the knownothing party, raised

tion house in the city; pay of 54 policemen, $150 per month, captain and his assistant $200. In Dec. $300 per month was added for a detective police. *S. F. Ordin.*, 1853, 183-5, 199, 171. Names of men in *S. F. Direct.*, 1854, 209. The office of city engineer was also created in Sept.

[22] Honest Harry, as he was called, had become a general favorite, owing to his genial manners, generous disposition, and tact. In 1850 he was a prominent man in S. F., notably as a lumber-dealer and mill-owner, with his depôt at North Beach, in which region he consequently become interested by large purchases of lots. He sought to direct the city extension that way, and to this end expended large sums on improvements, grading, wharf, etc., aided by his position as alderman during three administrations. This proved a heavy drain upon his resources, and just as he expected to recuperate by selling lots, real estate began to drop rapidly. Deeply involved, he sought relief by forging purloined warrants and other notes, and borrowing money upon them at several per cent per month, $75,000 being raised on $300,000 overissue of stock for the lumber company of which he was president. Prospects growing darker, and ugly rumors starting, Meiggs fitted out a vessel in a lavish manner, and departed in Oct. 1854 for Chile with his family and brother, the latter having just been elected controller, with a view of covering the manipulations of the other. The extent of his failure was at first magnified to about $2,000,000, and by others reduced not below $750,000. Rich and poor, merchants and toiling workmen, suffered. Many preferred for their own credit to hide their loss, others, including confederated aldermen, took advantage of the incident to repudiate as forgeries genuine indebtedness, and so the case remained involved in mystery. Meiggs gained riches and renown as a railway contractor in Chile and Peru, and bought up most of his notes at a low figure, and the California legislature passed an unconstitutional act of pardon, which the governor vetoed.

the cry for reform, and so won adherents in every direction. Under the plea of gaining indispensable support for their young party, the scheming leaders introduced an additional proportion of tools upon the ticket, upon which a number of influential names also of the existing régime served to insure a delusive confidence. Then with cunning manœuvres calculated to defeat the democratic ballot-stuffers at their own game, they wrested the victory at the polls, and S. P. Webb replaced C. K. Garrison[23] as mayor in October 1854.

During the preceding term there had been some justification for expenses in the general prosperity and demand for improvements, but midst the settling gloom of 1854-5 retrenchment should have followed. Instead of this, however, the expenditures for the city and county increased more than one third, with a doubling of the street department bills, and a large increase in the accounts for salaries, hospitals, and fire and police departments.[24] Expenses for the following year decreased for lack of accessible means and falling credit,[25] but corruption in judicial and civic ad-

[23] A self-made man, though born of a Knickerbocker family, near West Point, March 1, 1809. He rose from cabin-boy to builder of houses and vessels, and to the command of steamboats. The gold excitement induced him to establish a banking house at Panamá, and in 1852 he received the agency at S. F. of the Nicaragua steamship line, and of two insurance companies. Despite the loss of steamers, he acquired a princely fortune, with which he transferred himself in 1859 to his native state, there to continue figuring as a magnate. *Larkin's Doc.*, vii. 222; *Sherman's Mem.*, 100; portrait in *Annals S. F.*, 744; and *Shuck's Rep. Men.*, 143; *Alta Cal.*, July 8, 1869, etc. Despite the many promises in his messages and acts, he failed to check the extravagance and corruption around him. The career of Webb turned in another direction, and in 1877 he was reported as living in blindness and poverty at Andover, Mass. *S. J. Pioneer*, May 12, 1877. Among the political associates of Garrison were S. R. Harris, W. A. Mathews, H. Bowie, G. W. Baker, B. Seguin, S. A. Sharpe; and of Webb, W. Sherman, E. T. Batturs, D. S. Turner, R. H. Waller, J. W. McKenzie, L. Sawyer; both parties respectively as controller, collector, treasurer, recorder, marshal, and attorney. J. F. Atwill was president of the aldermen in 1853-4 and 1854-5, and F. Turk and H. Haight successive presidents of the assistant board. For Webb's inaugural speech, see *Alta Cal*, Oct. 3, 1854.

[24] The total swelled to $2,646,200, upon an assessed valuation of $34,763,-000; the city tax was $2.15 per cent, plus $1.70½ for state and county, and the city and county receipts $1,076,000, more than $120,000 less than for the preceding year.

[25] The city and county revenue falling to $702,000.

ministration grew more flagrant than ever in other respects.[26]

The city had fallen into the hands of political demagogues from New York, which formed the majority of the dominant factions, and came versed in all the arts of Tammany Hall for manipulating elections. With farcical party conventions and a subsidized press they hoodwinked the public, while offering votes to the highest bidder or to their own adherents. Then, with the aid of the interested and corrupt officials and judges who stood ever ready to sell their influence to schemers and criminals, they tampered with the ballot-boxes, and enrolled ruffians to intimidate honest voters, and to repeat their own illegal balloting in different wards.[27] These creatures were subsequently rewarded either with city money or patronage, and with appointments on the police force or in other departments, in order to sustain the installed plunderers.

This state of affairs was mainly due to the indifference of respectable citizens for their political duties, intent as they were on amassing wealth, for enjoyment in an eastern home.[28] But even their apathy was

[26] The officials for 1855–6 were Jas Van Ness, mayor; A. J. Moulder, controller; E. T. Batturs, collector; W. McKibben, treasurer; J. Van Ness, recorder; H. North, marshal; B. Peyton, attorney. J. M. Tewksbury and H. J. Wells presided over the two boards. For the county Thos Hayes held the position of county clerk since 1853, as successor to J. E. Wainwright and J. E. Addison for 1851 and 1850, respectively. H. H. Byrne had been attorney since 1851, succeeding Benham. The sheriff for 1850 had been J. C. Hayes, reëlected in 1851 and succeeded by T. P. Johnson; W. P. Gorham acted in 1853–4, D. Scannell in 1855–6. The successive treasurers in 1850, 1851, 1853, and 1855 were G. W. Endicott, J. Shannon, G. W. Greene, and R. E. Woods; recorders for the same periods, J. A. McGlynn, T. B. Russum, Jas Grant, and F. Kohler. Van Ness, who is well remembered for his land ordinance, and through the avenue named after him, was the son of a Vermont governor, born at Burlington in 1808. As an able lawyer, he quickly assumed prominence in S. F., and held repeatedly the office of alderman before becoming mayor. He subsequently moved southward to pursue agriculture, and was in 1871 chosen state senator for S. L. Obispo and Sta Bárbara. He died on Dec. 28, 1872, at S. L. Obispo. *S. F. Bulletin*, Jan. 2, 1873; *Santa Clara Argus*, Jan. 4, 1873; *S. L. Ob. Tribune*, Jan. 4, 1873; *S. Diego Union*, Jan. 16, 1873.

[27] As more fully explained in my *Popular Tribunals*, ii., with illustrations of false ballot-boxes.

[28] And so they neglected voting, jury calls, etc., and left ruffians to hold sway, often allowing a momentary caprice to decide their choice. For in-

overcome at last. The assassination on May 14, 1856, of J. King of William, who in the *Bulletin* had undertaken to expose official corruption, gave the decisive impulse. The people rose almost en masse to avenge their champion. A vigilance committee formed again to supervise and purify the city, especially the political and judicial administration, chiefly by driving forth the miscreants through whom politicians carried out their election trickery, by calling upon the people to nominate candidates of high character, and by guarding the ballot-box from fraud. So effectually was this task performed, that after a vigilance session of three months, San Francisco stood transformed from among the most corrupt and insecure towns in the union to one which within a year came to be lauded as a model for wise and economic government.[29]

The reform secured a sound basis in the Consolidation Act, the chief aim of which was municipal retrenchment by merging the double city and county governments into one, and reducing the pay and fees as well as number of officials. The combined county and city limits were by it restricted to the tip of the peninsula, north of a line skirting the southern extreme of Laguna de la Merced, and divided into twelve districts, equal in population, each of which elected one member to the governing board of supervisors. The

stance, Robinson of the amphitheatre received a large vote for alderman simply because his metric ridicule of local authorities caught the public fancy. See *Annals S. F.*, 338–40. Citizens in general smiled at the advantage secured by officials, and so kept rogues in countenance. Party spirit will be considered under state politics. McGowan's version of local politics in *S. F. Post*, Sept. 12, 1878. Special points are given in *Coon's Annals*, MS., 2–5; *Manrow's Stat.*, MS., 2–3; *Farwell's Stat.*, MS., 13–14.

[29] This grand and beneficent vigilance movement stands fully recorded, in the corruption which caused it, in its extent, method, work, and glorious results, in my special work on *Popular Tribunals*, 2 vols., this series, and the brief synopsis in a previous chapter, which are chiefly based on the statements and hitherto secret records intrusted to me by the men who figured as leaders of the committee, and by several score of its supporters. The progress of reform growing out of it will be noticed in my next volume, based on the MS. records of such men as Coon, who reformed the police department, of Coleman, Bluxome, and others. The *Bulletin* follows among journals most closely the entire movement. In its issues of July 14, 1856, etc., it gives the summon to and refusal of the city officials to resign.

mayor was replaced by a president of this board, chosen by popular vote, together with the necessary staff of officials, among them a police judge with special powers, a chief of police to relieve the sheriff of the police management, and two dock-masters to replace the harbor-master; all, with four minor exceptions, elected for two years in order to abate the evil of rapid rotation. Taxes, aside from the state levy, were limited to one dollar and sixty cents per centum, of which thirty-five cents were for schools. The contraction of debts by the government was prohibited, and the expenditure of different departments specified and limited, with no allowance for rent, fuel, and other incidentals. The police force was reduced to thirty-four, and offenders were awed by greater strictness, including sentences to public labor.[30]

[30] The charter, approved April 19, 1856, contains the following features: Art. I. Sec. 1. The boundaries of the united city and county of S. F. remain as before (defined in 1857), except on the south, where the line begins on the eastern border, due east of Shag Rock, which lies off Hunter's Point, and running west through a point on the county road, one fourth of a mile N. E. of Lilly's county house to the S. E. extremity of the south arm of Laguna de la Merced; thence due west out into the ocean. Sec. 4. Existing regulations for county officers, excepting supervisors, remain in force unless changed by this charter. Taxes to be uniform throughout the city and county. Sec. 5. The city and county to be at once formed into twelve districts, equal in population, and each constituting an election precinct. Sec. 6. At the time of election for state officers, S. F. shall elect hereafter a president of the board of supervisors, a county judge, clerk, police judge, chief of police, sheriff, coroner, recorder, treasurer, auditor, collector, assessor, surveyor, superintendent of common schools, superintendent of streets, district attorney, two dock-masters, who shall continue in office two years; the office of harbor-master is abolished; further, for each district, one supervisor, one justice of the peace, and one school director, to continue in office two years; also one constable, one inspector and two judges of election, to hold office for one year. Each elector to vote only for one inspector and one judge of election, those having the highest votes to receive the offices. Sec. 8. Hours at public offices to be from 9 A. M. to 5 P. M. from March to Sept.; in the other months from 10 to 4. Sec. 9. Vacancies in elective offices to be filled by appointment from the board of supervisors till the following election; except for office of dock-masters, to which the governor appoints, and for sheriff, to which the court appoints. Sec. 10. The fees and compensation of sheriff, clerk, county judge, recorder, surveyor, treasurer, assessor, and dock-masters remain as before, yet that of assessor not to exceed $5,000 a year, including expenses for clerks, etc.; dock-masters to receive $4,000 each a year; treasurer to receive commissions only on receipts, not on payments or transfers, and no allowance for clerks and incidentals; surveyor to receive $1,000 salary for all city and county work. Sec. 11. Auditor, police judge, attorney, and chief of police to receive $5,000 each; supt of streets and of schools, $4,000 each; president of supervisors, $2,000; no fee or salary to school directors or supervisors; inspectors and judges of election, $12 each for each election. No

The vigilance movement not only affected the choice and conduct of the officials who held power under

further allowanee to any official for rents, fuel, ete., yet the neeessary books for auditor, assessor, and supt of streets may be supplied by order of supervisors upon the treasury. See. 12. No board or offieial ean contraet any debt against the city or eounty. See. 13. The term of office under this aet to eommenee on the Monday following the eleetion, unless otherwise provided by law. See. 14. All offieers must give bond, to be approved by judge, auditor, and supervisors; no banker, or his agent or relative, to be surety for any officer having the eontrol of money; the surety must be worth twiee the amount of his undertaking, above all other liabilities.

Art. II. See. 15. The police dept to be under direetion of the chief of police, with the powers hitherto conferred on sheriffs. See. 19–20. The poliee judge to have the powers of reeorders and justiees of the peaee, following recorder's eourt proceedings; and to try offenees against the regulations of supervisors. No appeals from his fines when not exeeeding $20; his eourt to be a eourt of reeord, with a elerk appointed by the supervisors, at $1,200 a year. See. 22. Fines from the eourts of poliee judge, sessions, and justiees, to be paid into the treasury as part of the police fund. Courts have the option of imposing labor on publie works, instead of fines and imprisonment, eounted at the rate of $1 per day. Sec. 23–4. The chief of poliee, in eonjunetion with president of supervisors and poliee judge, to appoint four police eaptains, eaeh from a different distriet, and not exeeeding 30 poliee officers, from the different districts, each reeommended by 12 freeholders. See. 25. Pay of eaptains, $1,800; of officers, $1,200 a year. See. 27. Provisional polie may be appointed for 24 hours, without pay, in eases of emergeney.

Art. III. See. 30–5 eoncern sehools. Of the sehool act, May 3, 1855, secs. 19–24 are inapplicable. The petition of 50 heads of white families in any district justify the establishment of a school.

Art. IV. See. 36–64 eoneern streets and highways. The grading, paving, planking, sewering, ete., of streets to be done at the expense of the lots on eaeh side of the street; grading may be opposed by one third of interested property holders. Property seized for money due on street work to be sold for a term of years.

Art. V. Sec. 65–74 eoncern supervisors. Their president must sign all ordinanees, yet sueh may be passed over his veto by two thirds of the supervisors. All eontraets for building, printing, prison supplies (the latter not exeeeding 25 ets per day for each person daily), to be awarded to the lowest reliable bidder. The taxation, exelusive of state and sehool tax, shall not exceed $1.25 per eent on assessed property. The sehool tax must not exeeed 35 eents per eent. Appointments of publie agents or offieers, which so far have been made by nomination from the mayor with eonfirmation from the eommon eouncil, are to be made by eonfirmation of the supervisors on nomination of their president. In addition to regular duties and powers, the supervisors may provide ways and means for sustaining eity elaims to pueblo lands.

Art. VI. Sec. 75–98 relate to finanee. Fines, penalties, and forfeitures for offences go to the poliee fund; likewise 40 per eent of the poll-tax, or sueh proportion as may be assigned to the eity and eounty; this fund to be aided by the general fund of S. F., if required, the latter fund eonsisting of unassigned moneys and the surplus from speeial funds. Taxes may be paid at one per eent above par value, with audited salary bills of sehool-teaehers, interest eoupons on funded debt of S. F., and audited demands on the treasury as per sec. 88. Expenditures for fire dept, exelusive of salaries, are limited to $8,000 a year; expenditures not speeified by the aet must not exceed $70,000 a year from the surplus fund of the eorresponding year alone. Schedule, sec. 1–10. Until the next general eleetion the present eounty auditor shall act for S. F., and the present city marshal to aet as ehief of police, and

this charter from July to November,[31] but out of it sprang the people's party,[32] composed of vigilance sym-

the present city surveyor as superint. of streets, and the present mayor as police judge, and the present justices of the peace as supervisors, electing president and clerk, all with the power, duties, and compensation prescribed in this act. The police force to be immediately reduced according to this act. The board of education of the city to act till the general election. Then shall be elected for city and county a president of supervisors, police judge, chief of police, auditor, tax collector, and superint. of streets, and for the several districts the supervisors, school directors, justices of the peace, constables, and inspectors and judges of election, and all vacancies in elective offices are then to be filled. This act to take effect on and after July 1st. Sec. 9. San Mateo county to be formed out of the southern part of S. F. county; county seat and county officers to be elected on the second Monday in May 1856, as per subdiv. 5–15; a special tax levy not exceeding 50 cents on $100, to be applied to a jail and county house; the ordinary taxation, exclusive of state and school tax, must not exceed 50 cents on $100; no debt to be contracted. For text, see *Cal. Statutes*, 1856, 145 et seq.; *S. F. Consolid. Act.*

The main object of the charter, economy, is insured by several provisions, such as the specification of items of expenditure, the legal restriction on payments, the exclusion of contingent expenses, the offer of contracts to lowest bidder, the assignment of street work to owners of property concerned, so as to restrict price as well as extravagance. Aside from the guardianship possessed by each district in its supervisor and recommended police, each party obtained representation through the manner of electing election judges. The several good points of the document do not, however, excuse its defects, which have subsequently found recognition in a host of material amendments, as will be noticed in my next volume. Although S. F. chiefly originated and benefited by the debt contracted for the county, yet the segregated San Mateo should have been assigned a just share. The text of the document is verbose, straggling, and involved, altogether unworthy of so important an act.

Mr Hawes, once prefect of S. F. county, who introduced the bill in the assembly, was mobbed by partisans of disappointed plunderers. The defects of the early charter, or rather the grievances and aspirations of the eighth ward, had in 1853 led to a revision, greatly affecting squatters, which was defeated in six wards, yet carried by the majority of the eighth, only to be lost in the legislature. Text in *S. F. New Charter*, 1853, 1–24. Out of this grew a duel between Alderman Hayes and Editor Nugent, the latter being again wounded. *S. F. Whig*, June 11, 1853; *S. F. Post*, Aug. 3, 1878; *Alta Cal.*, Apr. 15, 1853, etc., claimed that the charter vote was 'stuffed.' The revision question continued in agitation, however, and resulted in the passage of a reincorporation act, approved May 5, 1855, which greatly checked expenditure. Under this charter was elected Mayor Van Ness and his colleagues, who held office from July 1855. *Cal. Statutes*, 1855, 251–67, 284; *S. F. Ordinances*, 1853–4, 509; *S. F. New Charter*, *Scraps*, *Sac. Union*, Apr. 28–30, 1855, etc. Changes in ward boundaries may be examined in *S. F. Directories*, 1852, p. 67; 1854, p. 177; 1856, p. 137, etc.

[31] It embraced the county officials, two of the old city staff and a few newly elected men, notably four justices of the peace, who assisted to form the provisional board of supervisors, under G. J. Whelan as president, the mayor being transformed into police judge, according to the schedule of the charter.

[32] Which recognized among evils, rotation in office, connection with general party politics of state and nation, etc. Some even advocated officers elected exclusively by tax-payers for managing finances. Jury duty was upheld as sacred, etc. *Dempster's Vig.*, MS., 17–20; *Coon's Annals*, MS., 6–12.

pathizers, who organized a nominating committee of twenty-one prominent citizens to select efficient and worthy candidates for office, regardless of political creeds and other irrelevant distinctions. This ticket headed by E. W. Burr as president of the board of supervisors, with H. P. Coon for police judge, D. Scannell for sheriff, and W. Hooper for treasurer and collector,[33] received the approval of electors, and it was justified by the sweeping reforms carried out midst great obstacles, by an economic administration which reduced expenses to the extraordinarily low figure of $353,300 for the year, or less than one sixth of the amount for 1854-5,[34] and by a purification of the city hall from partisan trickery and other disreputable elements.

Under the heedless rush of expenditure which began in 1850, as noticed in a preceding chapter, embracing monstrous self-voted salaries to aldermen, and squandering and peculation under the guise of grading, building, and other operations, a debt of over one million had been contracted in about a year, which was rapidly growing under a heavy interest of thirty-six per cent, and the excessive charges demanded in view of depreciated scrip payments and prospective deficits.[35] Alarmed at the pace, a number of conscientious men bestirred themselves to obtain, not alone the new charter of April 1851, which should restrain such extravagance, but an act to fund the debt on the reasonable basis of ten per cent interest, redeemable from a preferred fund within twenty years.[36] Under this,

[33] C. R. Bond, assessor; E. Mickle, auditor; J. F. Curtis, chief of police; H. Kent, coroner; T. Hayes, county clerk; F. Kohler, recorder; H. H. Byrne, attorney; Cheever and Noyes, to the uselessly double office of dock-master; J. C. Pelton, supt of schools; B. O. Devoe, supt of streets. The supervisors for the twelve districts were, in numerical order, C. Wilson, W. A. Darling, W. K. Van Allen, M. S. Roberts, S. Merritt, C. W. Bond, H. A. George, N. C. Lane, W. Palmer, R. G. Sneath, J. J. Denny, S. S. Tilton.

[34] Perhaps the retrenchment was too severe, for gas and other needfuls were stopped for a while, and streets, schools, etc., suffered somewhat.

[35] The corporation property would at a forced sale have realized barely one third of the indebtedness.

[36] Under act of May 1, 1851, accordingly a commission was appointed, em-

bonds were issued for $1,635,600 out of the two millions due. Among those who refused to surrender their scrip was Peter Smith,[37] who procured judgments against the city and began to levy upon its property. Instead of raising money, as they could have done, for settling the claim, the badly advised commissioners proclaimed the levy illegal and frightened away buyers from the sale, so that the few daring speculators and schemers who bought the property, to the amount of some two millions, including wharves, water lots, and the old city hall, obtained it for a trifle, as low as one fiftieth of the value in some instances. A large proportion of the sales were confirmed, and over the rest hung for years a depressing cloud which added not a little to the sacrifice.[38] The county debt was funded in 1852 to the amount of $98,700 at seven per cent interest, payable in ten years.[39]

Special loans being permitted under the charter, bonds were issued two years later for $60,000 to aid the struggling schools, and for $200,000 on behalf of the fire department, with interest at seven and ten

bracing P. A. Morse, D. J. Tallant, W. Hooper, J. W. Geary, and J. King of Wm, to issue stock and manage the interest and the sinking fund formed by a preferred treasury assignment of $50,000. The salary of the commissioners was $1,200 each, the prest and sec. receiving $300 more. City property required for municipal purposes was forever exempt from sale. All city property was to be conveyed to the commissioners. *Cal. Statutes*, 1851, 387–91; Petition for, etc. *Id.*, *Jour. Sen.*, p. 1820; *Id.*, *House*, p. 1463–6; *S. F. Floating Debt. Mem.*; *Alta Cal.*, Jan. 22, Apr. 1, 1851; *Sac. Trnnscript*, Feb. 1, 1851. Most holders accepted the stock, although not bound to do so; a few who held aloof or lived abroad were finally paid in full.

[37] Who had in 1850 contracted to care for the destitute sick of the city at $4 per day. His claim now was $64,431.

[38] The sales took place on July 7, Sept. 17, 1851; Jan. 2, 30, 1852. Among the last was a belt of 600 ft beyond the existing water-front, which brought $7,000. People treated them as a farce, but the aspect changed when injunctions were issued against the commissioners' effort to dispose of the property. A compromise was offered in Feb. 1852, but failed, owing to the hostile attitude of the council in refusing to support it. The commissioners were widely blamed, some hinting at secret connivance with the plunderers, but they no doubt acted in good faith under the legal advice given. The state instituted suit against them for 25 per cent of the sold water lots. Had all claimants joined in Smith's procedure, the lack of available means for the total would have frustrated it. *Alta Cal.*, Nov. 24–Dec. 10, 1852, March 30 1853, is especially full of comments.

[39] By act of May 4, 1852, S. R. Harris, F. D. Kohler, and O. Frank being commissioners, who received $500 each for their work, and the sec. $1,500. For sinking fund, etc., see *Cal. Laws*, 1850–3, p. 365–7.

per cent respectively, and redeemable within about twelve years. Meanwhile the administration had again relapsed from the momentary fit of economy in 1851, with a consequent accumulation of fresh city warrants to the amount of $2,059,000; but as this sum had been swelled largely by Meiggs' forgeries and other doubtful means, it was compounded under a funding act of 1855, for $329,000 in bonds, bearing six per cent interest, and redeemable in 1875.[40] The management of the different debts proved satisfactory, with a steady increase of the sinking funds, besides punctual payment of interest and a partial redemption, so that the final settlement seemed assured.[41] The obligations connected with these bonds alone absorbed fully one third of the regular revenue as established in 1856, and accounted in a measure for the ever-recurring excess of expenditure, notwithstanding the liberal tax levy, as shown in the annexed note.[42]

[40] Act of May 7, 1855, authorized the council to appoint three citizens as a board of examiners, at the same time the mayor, controller, and treasurer acting as commissioners at $1,200 each a year. The sinking fund to be started in 1865. *Cal. Statutes*, 1855, 285–7. A repudiation, Hittell, *S. F.*, 227, terms it. In April 1855 the scrip was quoted at 61–2 cts. By ordinances of Sept. 22, 1853, and Dec. 1, 1853. The school bond sinking fund received $5,000 annually; that of the fire bonds, $16,666; the respective date of redemption was Nov. 1, 1865, and Dec. 1, 1866. *S. F. Ordin.*, 1853, 400, 512–13, etc.

[41] By the middle of 1856 the debt of 1851 had been reduced by $136,600, and the county bonds were redeemed before half the term had expired, at a discount of 25 per cent. The city had so far expended for the debt for 1851 $1,196,117, chiefly for interest, less than $200,000 going to the sinking fund. The interest on the other three bonds had absorbed $48,367. Then there was a mortgage on the city hall of $27,792, and $27,792 due on the purchase, while the outstanding three per cent monthly scrip of 1851 and audited warrants loomed above. Compare statements in *S. F. Municipal Reports* also of 1859, 1869, etc., and abstracts in journals following the quarter and annual treasury reports, with synopsis in *S. F. Bulletin*, Oct. 8, 1855; Aug. 2, 1856, etc.; *Merc. Gaz.*, Aug. 10, 1860; *Alta Cal.*, May 16, 1853; June 27, July 7, 1856; *S. F. Herald*, id., etc.; *Sac. Union*, Feb. 19, March 14, Apr. 23, July 14, 1855, etc.

[42] The rates of taxation since 1850 were:

Year.	City.	County.	State.	Total.
1850–1	$1.00	$0.50	$0.50	$2.00
1851–2	2.45	1.15	.50	4.10
1852–3	2.45	1.66½	.30	4.41½
1853–4	2.00	1.28½	.60	3.88½
1854–5	2.15	1.10½	.60	3.85½
1855–6	2.33⅓	.82½	.70	3.85⅚
1856–7	1.60		.70	2.30

The quarterly licenses under charter of 1851 were from $50 to $100 on auction and commission business with dealings from $25,000 a year downward, and

Out of the sweeping conflagrations of her early years, San Francisco had emerged a transformed

$150 on dealings above $50,000; merchants and manufacturers paid about ¼ to ⅓ more, and wholesale liquor dealers $10 above this. Bar-rooms paid $30 on business below $2,000 per month, and $60 and $100 for limits of $4,000 and over; restaurants and coffee-houses $25; brokers $50; pedlers $100, except when selling produce raised within the corporate limits; omnibuses $15, two-horse hacks $10, and wagons $8; gambling-houses $50; billiard and bowling halls $25 for each table or alley. *S. F. Manual*, 1852, 30 et seq.

These sources yielded for:

Year.	City Taxes.	Municipal Licenses.	County Taxes.	State Taxes and Licenses.	Totals.
1850–1....	$163,013	$59,591	$119,028	$137,003	$478,635
1851–2....	305,661	276,835	122,632	102,520	810,648
1852–3....	397,033	328,039	313,217	93,583	1,131,872
1853–4....	592,240	188,508	419,378	210,339	1,410,473
1854–5....	582,732	103,784	389,620	291,896	1,368,032
1855–6....	424,766	33,054	244,337	180,019	882,176
1856–7....	290,846	59,927		146,959	497,732

The state licenses averaged about $23,000 a year except for 1854–5, when they reached $108,479; and the poll-tax about $3,000 annually for 1850–5, except 1852–3, when $11,833 was obtained; the rest of the state receipts in S. F. co. came from property tax.

The assessed value of property was:

Year.	Real Estate.	Improvements.	Personal Prop.	Totals.
1850–1....	$16,849,054	Included	$4,772,160	$21,621,214
1851–2....	11,141,463	in	2,875,440	14,016,903
1852–3....	15,676,356	personal.	2,805,381	18,481,737
1853–4....	17,889,850	$6,158,300	4,852,000	28,900,150
1854–5....	19,765,285	9,159,935	5,837,607	34,762,827
1855–6....	18,607,800	8,394,925	5,073,847	32,076,572
1856–7....	17,827,617	8,345,667	4,194,970	30,368,254

The expenditure stood as follows:

Year.	City.	County.	Totals.
1850–1........	$1,694,459	$118,988	$1,813,447
1851–2........	340,628	115,704	456,332
1852–3........	716,302	292,727	1,009,029
1853–4........	1,440,792	391,033	1,831,825
1854–5........	2,167,227	478,963	2,646,190
1855–6........	525,633	330,487	856,120
1856–7........	......	......	353,292

As compared with 1853–5 the items for 1856–7 show the following large reductions:

	Year 1853–4.	Year 1854–5.	Year 1856–7.
Street dept.................	$479,093	$909,948	$605
Wharf purchase.............	265,314	61,119	
Salaries....................	252,898	320,345	76,244
Hospital dept...............	213,364	278,328	40,360
Police and prison............	149,305	236,690	59,266
Fire dept....................	126,607	263,120	33,014
School dept.................	62,033	157,834	85,323
Advertising and stationery....	46,144	65,231	344
Assessment expenses.........	32,314	45,011	7,292
Legal service...............	28,254	31,821	10,700
Elections....................	21,669	22,920	784
Street lights.................	11,692	44,204	
Sundries, old debts, etc.......	143,138	209,619	39,360
	$1,831,825	$2,646,190	$353,292

city,[43] vaster and more substantial, yet with marked peculiarities, as in half cut away hills and curious grades, and in the business centre by a fortress-like architecture of massive walls, recessed windows, and forbidding iron shutters, to defy the flames. The era of tents and shanties passed into one of brick and granite,[44]

See authorities of preceding note. The *Annals S. F.*, 393-4, calculates that the taxation, including indirect customs duties, was in 1851-2 $45 per head of city population. List of large tax-payers and mortgages in *Hunt's Mag.*, xxxii. 619; *Alta Cal.*, Dec. 13, 1855; *Sac. Union*, Oct. 4, 1855, etc.

[43] As described in the preceding chapter on the city. After 1851, only minor fires took place, the largest of which, on Nov. 9, 1852, destroyed some 32 buildings in the block between Merchant and Clay sts, east of Kearny, valued at $100,000. The fire-proof city hall block checked the flames. The Rassette house, corner of Bush and Sansome, burned May 2, 1853, value $100,000. Several of the 416 boarders were injured. The St Francis hotel burned in Oct. 1853. See, further, *S. F. Fire Dept Scraps*, 12-14; *Alta Cal.*, June 14, 1855; July 28, 1856.

[44] Brick fields were established, yet bricks came long from the cheaper and superior sources of Australia, N. Y., etc., lava from Hawaii, granite from China. The first granite-faced building was erected, with Chinese aid, by J. Parrott in 1852, completed in Nov., at a cost of $117,000. It was the three-story building, 68 by 102 feet, on the N. W. corner of Montgomery and California st, at first occupied by Adams & Co. and Page, Bacon, & Co. A still larger building of the same type, four stories high, 62 by 68 feet, rose on the N. E. corner, completed Jan. 1854, costing $180,000. It was occupied by Wells, Fargo, & Co., and the Pioneer Society. Views of both, in *S. F. Annals*, 415, 514; *Montgomery's Remin.*, MS., 1-2; *U. S. Census, Tenth*, x. 352-3. The Folsom quarries were opened soon after to add material for houses as well as cobble paving. *Sac. Union*, June 14, 1856. Among other notable buildings erected by this time were the Montgomery block, on Mont. st, between Washington and Merchant, completed in Dec. 1853, 4 stories, 122 by 138 feet, so far the largest and finest block on the Pacific; Rassette house, on the corner of Bush and Sansome, 5 stories, with 200 rooms, the largest edifice of the kind; the city hall, 3 stories, 74 by 125 feet, costing $240,000 as transformed; custom-house block of 1853, S. E. corner of Sansome and Sacramento, 3 stories, 80 by 185 ft, costing $140,000; Bay State row, Battery near Bush, 175 ft square, 50 ft high, costing $140,000; Orleans row of 1853, N. W. corner California and Davis, 2 stories, 50 varas square, cost $135,000; Armory Hall of 1853, N. E. corner Montgomery and Sacramento, 4 stories, 60 ft square, $125,000; Masonic Hall, Montgomery st, between Sacramento and California, of 1853, 4 stories, 40 by 50 ft, $125,000, including the land; the Empire of 1852, S. W. corner of California and Battery, 2 stories, 89 by 184 ft, $110,000; Merchant-street block, between Montgomery and Kearny, of 1853, 3 stories, 50 ft square, $100,000, including land; Phœnix block of 1852, Clay st, between Montgomery and Kearny, 3 stories, 50 by 180 ft, $105,000; the post-office of 1850, N. E. corner Kearny and Clay, 2 stories, 87 by 90 ft, $98,000; Maynard row of 1852, N. W. corner California and Battery, 2 stories, 70 by 182 ft, $85,000; the Battelle of 1853, Montgomery, between Clay and Commercial, 5 stories; court block of Jan. 1854, Clay near Kearny, 3 stories, 41 by 108 ft; Howard's of 1850, which had escaped many fires, 4 stories; Naglee's of 1851, S. W. Montgomery and Merchant, 3 stories, 40 by 137 ft; Riddle's of 1853, Clay near Leidesdorff, 3 stories, 50 by 90 ft; Merchant's exchange, on Battery, an imposing edifice. The not very pretentious custom-house building on Battery st, completed in Oct. 1855, cost over $850,000

which with the increase of safer structures assumed a lighter and more ornamental form.[45]

The business part of the city advanced into the bay for half a dozen blocks within as many years, following close upon the piling, and bearing along the sand hills from its rear to provide a more stable foundation for the substantial edifices which gradually replaced the wooden ones.[46] Attracted by the deep water and better wharves of Clark Point, and partly by the promises of North Beach, with its expanse of level ground, fair anchorage, and proximity to the bay gate, the commercial centre took a decidedly northward direction after 1852-3, as shown by the construction of the custom-house, in 1854-5, on Jackson and Battery streets, surrounded by the merchants' exchange and other representative buildings.[47] While the crumbling slopes of Telegraph hill were made to yield under this movement, cognate and especially manufacturing interests continued their onslaught upon the drift hills south of California street, and rapidly levelled their way to Happy Valley. All around the fringe of dwellings grew denser, with increasing family ties, the fashionable ones clustering near South Park, on Third

[45] An improved fire department and the extension of fire insurance gave courage to the cautious for erecting superior houses.

[46] Cars laden with sand by steam-paddies were constantly rattling down the inclines along the water-front. Despite fillage the foundation was not very secure. The American theatre on Sansome st settled two inches on the inauguration night and a part of the U. S. warehouse fell in 1854. Storms occasionally made serious inroads on the loose fillage, and drove the waters over the low ground. Instance on Dec. 21, 1851, and Dec. 17, 1852, the latter causing a loss of $200,000 to vessels and buildings. *Alta Cal.*, Nov. 4, Dec. 18, 1852; *S. F. Herald*, Jan. 3, 1855; *S. F. Bulletin*, Nov. 2, 1855. Reports on grades, in *S. F. Board of Engineers, Rept*, 1-27. See chapter on S. F. Although Market st was in 1852 opened between Kearny and Battery st, yet as late as 1857 high hills blocked it beyond Third st.

[47] The banking-house of Lucas, Turner, & Co., and several other leading firms, moved away from California st to the Jackson-st end of Montgomery st, in 1854-5, and erected costly houses. Sherman's reasons are given in his *Mem.*, i. 104, etc. Pacific st was graded through the rocks at Sansome st, and extensive encroachments were made on Telegraph hill for fillage along its base, and for ballast to departing ships, till wheat came to serve this purpose. At Clark Point rose in 1851 three U. S. bonded warehouses of iron, part of which were buried at the close of that year by falling rocks from the hill. The discovery of a small gold quartz vein in the hill, in 1851, promised for a time to advance the grading. *Morn. Post*, Sept. 29, 1851.

street, and along Stockton street toward the slopes of Russian hill,[48] and houses being freely sprinkled even beyond the circling summits and west of Leavenworth street.

It was a straggling city, however, with its dumps and blotches of hills and hillocks, of bleak spots of vacancy and ugly cuts and raised lines The archi-tecture was no less patchy, for in the centre prison-like and graceful structures alternated, interspersed with frail wooden frames and zinc and corrugated iron walls, and occasionally the hull of some hauled-up vessel; while beyond rude cabins and ungainly super-imposed stories of lodging-houses in neglected grounds varied with tasteful villas embowered in foliage, and curious houses perched high on square-cut mounds.[49] For a time caution set the fashion for residences also of brick, but the winter rains, the summer fogs, and above all the cost and the startling admonition of earthquakes, soon created so general a preference for frame dwellings of all grades, as to make brick dwell-ings a rarity, and to place another mark of peculiarity upon the city. Wood affirmed its supremacy by yield-ing more readily to the growing taste for elaborate ornamentation. The distribution of races in this cos-mopolitan settlement added to the many distinctive quarters raised by fashion, by branches of trade and manufacture, the most notable being the Hispaño-American district along the south-western slope of Telegraph hill, adjoined by French and Italian colo-nies southward, and the striking Chinatown, which was fast spreading along Dupont street its densely

[48] Here, between Washington st and Washington square, was the chief promenade, near the adjoining churches, and with Dupont st as the thorough-fare from the business centre. Pacific st above Stockton st was in 1853 granted to a plank-road company to be opened to Larkin st under toll. *S. F. Ordin.*, 1853, 116.

[49] The 'antique castle' on the S. E. corner of Stockton and Sacramento sts was a three-story brick building, plastered and painted in imitation of stone-work, each block of a different color. Its history is given in *S. F. Call*, Nov. 18, 1878. Of the solid houses in the central part 600 were valued at over $13,000,000. Some were so frail as to fall. *Sac. Transcript*, May 15, 1851; *S. F. Bulletin*, July 22, 1856; *Alta Cal.*, Nov. 17, 1856.

crowded and squalid interiors, relieved here and there by curious signs and façades in gold and green, and pouring forth files of strangely attired beings.

Owing to the unexpected extension of the city into the bay, and to defects in the original plan, it was afflicted with a faulty drainage, against which the prevailing west winds, however, offered a partial safeguard. The lack of good water was another disadvantage. The supply came for several years from two or three brooks, a number of wells,[50] and from Sauzalito,[51] whence it was brought by steamboats to the reservoirs of the water company, and distributed by carts among the inhabitants.[52]

The requirements of the fire department for their numerous cisterns proved a strong inducement for laying pipes from Mountain Lake, but the project was delayed.[53] The city suffered also for years from lack of proper street lighting. The first public oil-lamps began in October 1850 to partially relieve citizens from carrying lanterns as a protection against the numerous pitfalls, but it was not until three years and a half later that gas-lights appeared.[54] The streets

[50] The Croton, Cochituate, and Dall and Doran were the leading wells. Account of, in *Alta Cal.*, Oct. 25, 1852; Apr. 19, 1853; July 27, 1855; *Sac. Union*, Aug. 25, 1855. They yielded each 15,000 to 30,000 gallons daily.

[51] The old watering-place for whalers, etc.

[52] In the spring of 1854 about 65 teams were thus employed. A one-horse water-cart with a good route sold for $1,500 or $1,800. Families were supplied at from $3 to $5 a month. The Sauzalito Water and Steam Tug Comp. organized in 1851 to furnish 200,000 gallons daily, and to tow vessels; capital, $150,000. They claimed theirs to be the only water that would keep at sea.

[53] The Mountain Lake Water Co. was organized in Oct. 1851 with a capital of $500,000. The lake, lying 3½ miles west from the plaza, beyond the hills, was supplied by a large drainage and several springs. See their charter and prospectus of 1851–2, p. 1–14; *S. F. Manual*, 219; *Alta Cal.*, Jan. 25, July 8, 1852; May 13, 1853; July 25, 1855. The company was reorganized and their time of limitation successively extended, but after starting the work in May 1853 the cost was found to exceed estimates, and the promoters held back. *S. F. Ordin.*, 131, 204–6, 245–6, 392; *S. F. Directory*, 1854, 212; 1856–7, p. 191; *S. F. Bulletin*, Dec. 7, 1855; Sept. 22–3, Dec. 13, 1856, with allusions to a new project. The fire dept had in 1854 already 38 large cisterns.

[54] The first oil-lamps were lighted in Merchant st by J. B. M. Crooks, and paid for by subscription. He took contracts from the city in 1852. *S. F. Annals*, 518. Montgomery st was first lighted on March 31st. *Alta Cal.*, Apr. 1, 1851; Dec. 31, 1852; *S. F. Herald*, July 7, 1850; Jan. 18, 1853. Yet street lighting did not become common till Jan. 1853. After several projects the S. F. Gas Co. organized in 1852, with B. C. Sanders as prest, J. M. Moss, Jas Donohue, etc.; capital $450,000. Their works were begun in Nov. on

suffered long after from want of proper paving and cleaning.[55] The plaza remained a waste eyesore till 1854, when grading and planting changed its aspect.[56] By this time communication had been facilitated by at first half-hourly omnibuses between North Beach and South Park, with two lines to the mission, which in 1856 were supplemented by one to the presidio.[57] Occasional conveyances connected also with Russ gardens, the new pleasure resort on Sixth street, with the picturesque Lone Mountain cemetery,[58] and with the fortification begun in 1854 at Fort Point, to be supported by similar works at Point San José, Alcatraz and Angel islands, all of which vied with the time-honored mission and its race-tracks and gardens in attacting especially Sunday revellers.

The progress of San Francisco was particularly marked in 1853 with the expansion of business under the increasing gold yield and general development. An excitement seized upon the entire community; real estate rose, building operations were undertaken in every direction, with costly structures in the central

Front st between Howard and Fremont sts. Posts were ordered for Dec. 1853. *S. F. Ordin.*, 1853, 474; *S. F. Directory*, 1854, p. 260; 1856-7, p. 77-8; *Quigley's Irish*, 376. On Feb. 11, 1854, a few leading streets and buildings were first lighted. Three miles of pipes were then laid and gradually extending. The price was $15 per 1,000 ft, which in view of wages and cost of coal—see chapter on commerce—was claimed to be 20 per cent cheaper than in N. Y. In 1856 this was reduced to $12.50, but street-lamps, which consumed one fourth of the 80,000 ft daily manufactured, continued to be charged at 32½ cents each per night. *S. F. Bulletin*, Apr. 12, Sept. 3, Nov. 29, 1856. The bill for 11 months was $46,000. *Alta Cal.*, June 28, 1856. Gas was, however, in use 9 months earlier. *Id.*, May 15, 1853; *Cal. Fares, etc.*, 1-2.

[55] The first sprinkler appeared May 2, 1851, but garbage, mud, rats, and other nuisances were general. Cobble-stones were brought from Folsom in 1856. *Sac. Union*, June 14, 1856.

[56] A contract was made for $33,450, *S. F. Ordin.*, 1853-4, 291; but the total charged for that year was $40,138. An iron fence was added.

[57] The Market-st rail line was projected in 1854, and the Mission line begun in 1856, but their completion extends beyond this period. *S. F. Direct.*, 1854-6; *S. F. Bulletin*, Dec. 4, 1855; Mar. 29, Apr. 1, 3, 16, 30, May 12, Sept. 15, 1856; *Alta Cal.*, July 14, 1853; July 22, 1854; Apr. 30, 1856. The public hacks of the day included Brewster coaches worth $4,000, with silver plating and rich fittings.

[58] Projected in Nov. 1853, and inaugurated May 30, 1854, with 160 acres of undulating ground. After the first interment in June it quickly became the favorite burial-place. *Alta Cal.*, May 17, 30, 1854; *S. F. Bulletin*, May 6, 1864.

parts, and everybody yielded to extravagant hopes. Of more than 600 of the stone and brick buildings nearly one half were erected in course of that year, the assessed value of property increased from $18,-500,000 to $28,900,000, and the population, including transients, was estimated toward the close of the year as high as 50,000, or fully one seventh of the total in the state. But the advance was based on fictitious values. The country was on the eve of an industrial revolution. Mining had reached its culminating point and driven workers to agricultural pursuits, which now made themselves apparent by a home production that rapidly displaced the staple imports and carried their channels of distribution away from San Francisco. So serious a blow, added to the general retrenchment in the interior consequent upon a change from extravagant camp life and high wages to sedate self-supplying farm occupations, had a staggering effect upon the prevailing inflation. Under the sudden decline of business the newly erected warehouses were found needless, offices were abandoned or reduced, workers were thrown out of employment. The ripples of disaster spread wider and wider, manifested by tenantless houses, declining wages and revenue, and falling values of real estate and other property.[59] Additional burdens came in the growing corruption of officials, attended by dissipation of property and revenue, by election frauds and growing debts, following upon recent devastations by fire and criminals, the whole culminating in the commercial crisis of 1855, and in the glaring political disorders which in the suc-

[59] The advance of 25 per cent and more in real estate from 1852 to 1853 was more than lost. Four small blocks eight feet under water, between Commercial and Clay sts, from Davis st eastward, sold in Dec. 1853 for $1,193,550, or an average of $8,000 to $9,000 per lot, corners as high as $16,000. A few months later they might have been bought at one half. Indeed, vacant lots became unsalable. Out of 1,000 business houses 300 were deserted. The Union hotel, renting for $6,000, was in 1855 let at $1,000. Compare statements in the journals of the period, especially *Alta Cal.*, Jan. 19, 1853; Aug. 18, Oct. 10, Nov. 14, 1856; *Sac. Union*, June 21–30, Oct. 16, 1855. Prices northward held their own. In Hayes Valley 50-vara lots sold in Oct. 1856 for from $225 to $250.

ceeding year roused the people to forcibly reform the entire administration by means of a portentous vigilance movement.

But the crisis passed, and business assumed its normal course, with new and surer channels, regulated by a truer standard. As it regained strength, under the auspices of unfolding resources and a growing settled population, the city responded to the impulse. She reasserted her claim as the Pacific metropolis, pointing to her position at the Golden Gate outlet, to her dry-dock,[60] her vast array of wharves, warehouses,[61] and other facilities; her blocks of substantial business structures, whence radiated extending suburbs, sustained by fast-increasing manufactures,[62] embracing half a dozen important foundries, machine and boiler works, employing several hundred men; four saw-mills, besides sash, blind, and box factories; eleven flouring mills with a capacity of 1,100 barrels

[60] At Rincon Point, established in Apr. 1851.

[61] Replacing the sevenscore and more of storage ships used in Oct. 1851. *Annals S. F.*, 355. Concerning wharves, see my former chapter on S. F., and my next volume; also chapter on commerce, for shipping, etc.

[62] Of five foundries, in the Happy Valley region, the Union iron-works maintained the leading place, pioneers as they were, founded in 1849 by P. Donohue and brother. The Sutter iron-works and the Pacific foundry opened in 1850, the Vulcan iron-works in 1851, and the Fulton in 1855, two employing in 1856 some 30 men each, and the others from 50 to nearly 200 each. The boiler-works of Coffee and Risdon employed 40 men. Minor establishments of the above class were the Excelsior, Empire, Phœnix, and those of S. F. Kern and F. Snow, supplemented by Carem and Renther, W. H. Clarke, and Mahly & Fabra. There were also wire-works, 2 brass-foundries, a dozen tinsmiths, half a dozen each of ship and copper smiths; 4 saw-mills, 7 sash and blind factories, half a dozen turners, 2 box factories, 2 willow and wooden ware establishments; 11 flouring mills, 5 coffee and spice mills. The S. F. sugar refinery employed over 100 men. There were also a steam cracker factory and steam candy-works; a dozen and a half of breweries, among them the Philadelphia in the lead; 1 malt-maker, 2 distilleries, 3 vinegar factories, 8 soda and 6 syrup and ginger-ale manufacturers, 1 chemical work, 1 gold refinery, 1 metallurgical, half a dozen manufactories of soap and candles, 9 of camphene and oil, 2 of wash fluids, 5 packers; a score of coopers, two dozen wagon and carriage makers; 3 pump and block makers, 2 boat-builders, 5 sail-makers, a score of saddlers; cordage works, 5 billiard-table manufactories, 1 piano-forte maker, 1 furniture factory, a dozen and a half upholsterers, 9 carvers and gilders, 2 lapidaries, numerous goldsmiths and jewellers, 2 opticians, 1 watch-case maker, 2 sculptors, 9 engravers, 8 lithographers, a score of printing-offices, 1 stereotype foundry, half a dozen bookbinderies, and other establishments for supplying clothing, food, etc. The *Annals S. F.*, 492, numerates in 1854 fully 160 hotels and public houses, 66 restaurants, 63 bakeries, 48 markets, chiefly butcher-shops, 20 baths, and 18 public stables.

daily; a steam cracker factory; a large sugar refinery; a dozen and a half breweries, besides distilleries, soda and syrup works; several oil, candle, and soap works; billiard-table manufactories; a beginning in furniture making; and a host of establishments concerned in supplying necessities and luxuries for mining, field, and home life, a large proportion of an artistic stamp. Happy Valley, and the adjoining region south of Market street, were the centre for heavy industries. North Beach claimed also a share, while Kearny street, as the connecting link, displayed their productions in shops which for rich and striking appearance were already rivalling those of eastern cities. In 1854 there were five public markets, of which two had over two dozen stalls each.

No less marked were the social features, daily strengthened in the domestic atmosphere, with its attendant religious and benevolent admixture. The first male organizations, for protection, had expanded into a dozen military companies, with ornamental as well as useful aims,[63] supplemented by the semi-heroic fire brigades, seventeen in number, including three hook-and-ladder companies,[64] and by several clubs, with adjuncts for gymnastic, convivial, moral, and literary purposes.[65] Fraternal societies had blossomed into numerous lodges, among Free Masons, Odd Fellows, and Temperance societies, and traders and professional

[63] The First Cal. Guards Co., formed in July 1849, under Naglee out of the Hounds affair, was followed in succeeding years by others under the title of rifles, lancers, cadets, blues, fusiliers, mostly of 50 men each. The first battalion parade, on July 4, 1853, embraced six S. F. companies. *Annals S. F.*, 454, 702, et seq.

[64] As outlined in the former S. F. chapter.

[65] The Union and German were among representative social clubs. There were two gymnasiums, two clubs for vocal culture, one for chess. Among literary associations were two Hebrew, one German, one catholic, one for seamen, besides the general Athenæum and Cal. academy of Sciences and the Mercantile Library and Mechanic's Institute. Patriotic motives bound many of them, although special ones existed, as in the New England society. Among religious associations were Cal. Bible Soc. of 1849, the S. F. Tract Soc., and the Y. Men's Christ. Assoc. There were several trade associations, including one for reporters and three medical. Sons of Temperance and the Grand Temple of Honor formed two abstinence societies, each with several lodges; the lodges of the Masons and Odd Fellows, 12 and 10 respectively.

unions were rapidly forming. Although benevolent associations had been started in 1849 by the male community, they received their encouragement mainly with the growth of families. Women, indeed, figure as promoters of two Hebrew societies and one for seamen, besides assisting several others, particularly the two catholic and protestant orphan asylums[66] and the four hospitals, among them the United States Marine, which formed one of the imposing features of the city. These and other objects had effective coöperation from members of the society of Pioneers, founders as they were of the state. Education received their early attention, and from the one small beginning in 1848–9 the public schools had increased to seventeen, some of primary, others of grammar and intermediate order, one high school, also one evening school, with an attendance of nearly 3,400, for which the average monthly expenditure was over $12,000. There were also two superior girls' schools, a Jesuit school, and the San Francisco college.[67] The thirty-two congregations of the city embraced eight protestant, six catholic, and two Hebrew bodies, besides a convent for the two sisters of Mercy. Some of them worshipped in halls, but most possessed special temples, the most imposing being the catholic cathedral.[68]

Notwithstanding the numerous churches, the inhabitants were by no means devout, as may readily be understood. The reckless and exuberant spirit of the

[66] Both established in 1851. Among benevolent societies were four Hebrew, one Chinese, two Irish, one Swiss, one German, and one French, the two latter with good hospitals, and three for women alone. The sisters of Mercy supervised the city and county hospital, and the government the U. S. marine hospital, the latter one of the great structures of the city, costing about a quarter of a million.

[67] Which aspired to a university grade. Also two Hebrew schools and some minor private establishments, besides Sunday schools in connection with churches. The attendance and cost for 1855–6, as above, was far in excess of the preceding and even following year, the latter on economic grounds. The 15 Sunday school claimed 1,150 pupils.

[68] Followed by the churches of the congregationalists and presbyterians. In point of number the methodists led, with 7 congregations, whereof 1 German and 2 colored; catholics 6, presbyterians 5, including 1 Welsh and 1 Chinese; baptists 4, episcopalians and congregationalists 3 each, German Lutherans, Unitarians, and Swedenborgians 1 each.

mining era was too deeply engraven, with its revelry of thought and conduct. The women set the religious example, partly from sedate habit, while social allurements aided them. They also elevated the tone of intercourse and pastime, shamed vice away into the by-ways, lessened dissipation, and placed gayety within limits. Official ordinances against prostitution, gambling, and other vices were chiefly due to their influence, and female patronage gave a higher attraction to the several theatres[69] and halls, which with dramas and reunions competed against lower resorts. Habit and excitement, sustained by climatic and other influences, continued, however, to uphold the drinking-saloons, so that their number was proportionately larger here than in any other city in the world. Costly interior decorations lent them additional attractions;[70] not to mention billiard-tables,[71] and other appeals to the lurking mania for gambling; the tangible pretext in free lunches, which had become the fashion since 1850,[72] and established themselves as one of the marked specimens of Californian liberality; and the mental refreshments presented in numerous files of journals. Newspapers appeared as a redeeming feature over many a shady trait, and to extol both the enterprise and taste of the people by their large

[69] The Adelphi opened in July 1851, on Dupont st between Clay and Washington sts, 40 ft front, 65 in depth, and 31 in height. The Metropolitan opened Dec. 24, 1853, on Montgomery st between Washington and Jackson, and took the leading rank for size and beauty. The Jenny Lind had been converted into the city hall; the American, on the corner of Sansome and Halleck sts, with a seating capacity of nearly 2,000, declined into occasional use, like the Union on Commercial st, east of Kearny st, and the three halls, San Francisco on Washington st, and Musical and Turn Verein on Bush st. The Olympia, in Armory hall, had closed. Maguire was in 1856 preparing to build a new S. F. hall for minstrels, etc.

[70] Many had bought mirrors, chandeliers, cornice-work, etc., at the early forced auctions, for a mere trifle, and later competitors for public favor had to imitate the display. Religious journals are no more reliable than other fiery champions of a cause, but the *Christian Advocate* asserts with some justice that by actual count in May 1853 there were 527 places in S. F. where liquor was sold. Of these 83 were retail drinking-saloons, 52 were wholesale stores, 144 were restaurants, 154 were groceries, 46 were gambling-houses, and 48 fancy and dance houses. See also *Alta Cal.*, June 8, 1852; *S. F. Herald*, etc.

[71] Also proportionately more numerous than elsewhere.

[72] Instance St Amant's humorous experience in this respect. *Voy.*, 108–11.

number and excellence. There were in 1856 thirteen daily periodicals, and about as many weekly issues, in half a dozen languages.[73]

Thus lay transformed San Francisco, from an expanse of sand hills, from a tented encampment, to a city unapproached by any of similar age for size and for substantial and ornamental improvements; from a community of revelling adventurers to one of high average respectability and intelligence. A choice selection of manhood from all quarters of the globe was here congregated, with enterprise and ability both well and badly directed; but as devastating fires had weeded the architectural parts of the frail and unseemly, so vigilance movements, assisted by gold rushes and filibuster schemes, had purified society of the worst criminal elements and political cormorants, and were now raising the city to a model for order and municipal administration. The inhabitants numbered about 50,000,[74] with a proportionately smaller floating or transient population than formerly, owing to the increase of permanent settlers in the state, and to the facilities and attractions of interior towns for supplying miners as well as farmers with goods and entertainment.[75] The fluctuating settlement stood now the acknowledged metropolis of the west, after a brief struggle with threatening vicissitudes, while the tributary country had developed from a mining field with flitting camps, to an important state with a steady mining industry, and a fast-unfolding agricultural and manufacturing region, which promised to rival if not

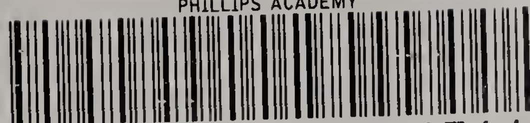
[73] Of which two were French, two German, one Spanish, one Italian, one Chinese. Several were religious and Sunday papers, including a Mormon issue; and Hutchings' was the monthly magazine of the day. A vast number had come and gone during the preceding years, as will be shown later. The *Annals S. F.*, 493, of 1854, claimed 12 dailies and 10 other periodicals.

[74] Calculations in the *Directory* for 1857-8 make it 60,000, including 4,000 floating. *Alta Cal.*, of Nov. 3, 1855, claimed 'at least' 60,000; but *Sac. Union*, Aug. 29, 1855, reduces the figure somewhat jealously to 40,000.

[75] The cheering winter influx, and the succeeding gloom left by the spring exodus, which during the first years made many despair of the city's future, were now hardly perceptible.

eclipse the foremost sections of the union. And this phenomenal progress was the achievement of half a dozen years, surpassing the wildest of those speculations which had incited, first the entry of the pioneers, then annexation by the United States, and finally city-building, and the founding of an empire out of the manifold resources which one after another unfolded before the unexpectant eyes of the absorbed gold-seekers. A series of surprises marked the advance of the state as well as of the city—the one a wilderness bursting into bloom, the other a mart of progress purified by many fiery ordeals.[76]

[76] Early navigators, like Ayala, Morrell, Beechey, Wilkes, the whaling and trading ship captains; writers like Dana, Forbes, Greenhow, Simpson, Bryant, all united in pointing to S. F. as the metropolis of the prospective western empire. So Webster and Benton had prophesied, and for this many patient, persevering pioneers had expectantly toiled. Men there are who dreamed of an empire which from here should encompass Cathay, and meet the English on the confines of India. *Annals S. F.*, 54–5. On the other side were disbelievers, a host of them, as shown by fluctuating values of S. F. estate, by the deprecating utterance of fortunate as well as disappointed sojourners who every month turned their back upon the state, for home or for other fields. Kane, in *Miscel. Stat.*, MS., 11. The progress of the city is well illustrated by her several directories, of which eight appeared during the period of 1851–6, beginning in Sept. 1850 with the small 12° issue of 139 pp., by Chas P. Kimball, containing somewhat over 2,500 names, and a meagre appendage of general information. It is altogether a hasty and badly arranged publication, yet of sufficient interest from being the pioneer in the field, and from its array of city founders to warrant the reprinting which it received a few years ago. The next directory did not appear till Sept. 1852, when A. W. Morgan & Co. issued an 8vo of 125 pp., wrongly called the first directory of the city. It contained few more names than the preceding, although better arranged, and with a fuller appendix of generalities, including a business list. In the following month F. A. Bonnard published a 12mo business register. The first really excellent directory was issued in Dec. 1852 by J. M. Parker. It was an 8vo of 114 register pp., with about 9,000 names, prefaced by an historic sketch and an admirable plan of the city, and followed by a valuable appendix of general information and statistics. This covered 1851–3, and the next publication by Le Count & Strong was delayed till 1854. It contained 264 pp., and while not surpassing the preceding contained much general information. In Jan. 1856 Baggett & Co. issued the *S. F. Business Directory* in 222 pp., prepared by Larkin & Belden, wholly classified under business heads. In Oct. 1856 Harris, Bogardus, & Labatt appeared with a meagre directory of 138 pp., which was eclipsed by the simultaneous publication of Colville in 308 pp., containing about 12,000 names, with historic summary and a valuable appendix. A peculiar feature of the latter consisted of fine type notes throughout the register of names, with biographic and historic information concerning persons, societies, and notable buildings. The next issue was by Langley.


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